

AGENDA
FLUVANNA COUNTY PLANNING COMMISSION
Regular Meeting
Circuit Court Room
Fluvanna Courts Building
October 24, 2012 at 7:00pm

1-CALL TO ORDER, PLEDGE OF ALLEGIANCE

2-DIRECTOR'S REPORT

Ms. Allyson Finchum, Planning Director

H

3-PUBLIC COMMENTS #1 (3 minutes each)

4-APPROVAL OF MINUTES:

September 26, 2012

I

5- PUBLIC HEARINGS:

SUP 12:07, National Communication Towers, LLC

J

A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1 mile west of its intersection with Rolling Road (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

SUP 12:08 - Jennifer D. Miller - Commercial Kennel

K

A request for a Special Use Permit (SUP) to allow for a commercial kennel and a retail specialty store with respect to 6.0+/- acres of Tax Map 19, Section A, Parcel 77A. The property is zoned A-1 (Agricultural, General) and is located on the west side of James Madison Highway (State Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.

ZTA 12:03 – Fluvanna County

L

Amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: Definitions).

6-PRESENTATIONS (normally not to exceed 10-minute limitation)

7-SITE DEVELOPMENT PLANS:

8-SUBDIVISIONS:

9-UNFINISHED BUSINESS:

10-NEW BUSINESS:

11-PUBLIC COMMENT #2 (3 minutes each)

12-ADJOURN

For the Hearing-Impaired – there is a listening device available at the Circuit Court Room upon request. TTY access number is 711 to make arrangements.

For persons with Disabilities – if you have special needs, please call the County Administrator's Office at 591-1910 and relay your request.

Pledge of Allegiance

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Planner shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

***FLUVANNA COUNTY PLANNING COMMISSION
PUBLIC HEARING RULES OF PROCEDURE***

1. Purpose:
The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action. A hearing is not a dialog or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. Speakers:
Speakers should approach the lectern so they may be visible and audible to the Commission.
Each speaker should clearly state his/her name and address.
All Comments should be directed to Commission.
Each speaker is limited to three minutes and time may not be donated from other audience members.
All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
Speakers with questions are encouraged to contact County staff prior to the public hearing.
Speakers should be brief and avoid repetition of previously presented comments.
County residents and taxpayers may be given priority in speaking order.
3. Action:
At the conclusion of the public hearing on each item, the Chairman will close the public hearing. The Commission will proceed with its deliberations and will act on or formally postpone action on such item prior to proceeding to other agenda items. Further public comment after the public hearing has been closed generally will not be permitted.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

To: Fluvanna County Planning Commission
From: Allyson Finchum, Director of Planning
Date: October 24, 2012
Re: Planning Director's Report

1. Board of Supervisors Actions:

October 3, 2012:

None.

October 17, 2012:

None.

2. Board of Zoning Appeals Actions:

October 2, 2012:

None.

3. Technical Review Committee:

October 11, 2012:

ZTA 12:03 – Fluvanna County

Amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: Definitions).



**FLUVANNA COUNTY BUILDING INSPECTIONS
MONTHLY BUILDING INSPECTION REPORT
SEPTEMBER 2012**

USE	Sep-11	VALUE	YTD 11	VALUE	Sep-12	VALUE	YTD 12	VALUE	Sep/Diff	VALUE	YTD	
											PERMITS	VALUE
New Homes	4	920,000	45	8,130,939	6	1,817,590	58	10,390,614	2	897,590	13	2,259,675
Duplex	0	0	0	0	0	-	0	-	0	-	0	-
Single Family (Attached)	0	0	5	510,000	0	-	4	360,000	0	-	-1	(150,000)
Adds&Alterations	19	228,700	180	4,067,867	22	264,467	193	2,832,851	3	35,767	13	(1,235,016)
Garages & Carports	0	0	7	124,500	1	14,000	11	225,160	1	14,000	4	100,660
Accessory Buildings	2	32,483	13	157,608	0	-	9	83,500	-2	(32,483)	-4	(74,108)
Single Wide MH	0	0	2	53,500	0	-	1	500	0	-	-1	(53,000)
Swimming Pools	0	0	3	49,000	0	-	9	346,181	0	-	6	297,181
Recreational Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Business Bldgs	0	0	2	80,000	0	-	2	819,850	0	-	0	739,850
Industrial Bldgs	0	0	0	-	0	-	5	1,182,509	0	-	5	1,182,509
Other Buildings	1	1,200,000	6	15,820,001	0	-	8	620,219	-1	(1,200,000)	2	(15,199,782)
TOTALS	26	2,381,183	263	28,993,415	29	2,096,057	300	16,861,384	3	(285,126)	37	(12,132,031)
FEES	Sep-11	PREV TOT	YTD 11		Sep-12	PREV TOT	YTD 12		DIFFERENCE		DIFFERENCE YTD	
Building Permits	9,254.24	103,663.75	112,917.99		8,207.25	80,799.35	89,006.60		(1,046.99)		(23,911.39)	
Land Disturb Permits	1550.00	22,340.00	23,890.00		2,750.00	29,080.00	31,830.00		1,200.00		7,940.00	
Zoning Permits/Proffers					900.00	2,450.00	2,450.00					
TOTALS	10804.24	126,003.75	136,807.99		11,857.25	112,329.35	123,286.60		153.01		(15,971.39)	
INSPECTIONS	Sep-11	PREVIOUS	YTD 11		Sep-12	PREVIOUS	YTD 12					
	163	1,206	1,369		160	1,238	1,398		-3		29	

Darius S. Lester
Building Official

() represents a negative

Monthly Approval Report for September 2012

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
Columbia							
	<i>Approved</i>						
		BSP 12-007	Physical Survey	24	(A)20, (1)5A	0	
		BSP 12-008	Physical Survey	24	(A)23	0	
		SUB 12-018	Boundary Adjustment	24	(A)1A, 12	0	2
		SUP 12-005	Educational Facility & Residence Hall	23	(A)48	5.193	
	<i>PC Approved</i>						
		SDP 12-012	Major Site Plan	5	(20)1A, 1B	6.744	
Cunningham							
	<i>Approved</i>						
		SDP 12-009	11,200 Sq. Ft. Goodwill	17	21D	11.52	
		SDP 12-015	Site Plan Amendment of SDP 01-007	17	21D	11.52	
	<i>Pending Compliance</i>						
		CCE 12-008		27	(A)18A	2	
Fork Union							
	<i>Approved</i>						
		BSP 12-009	Easement	18	(A)17,18	0	
		SDP 12-017	Minor Site Plan	42	(6)1A	40.73	

Wednesday, October 17, 2012

Page 1 of 2

<i>AFD - Agricultural Forestal District</i>	<i>BSP - Boundary Survey Plat</i>
<i>BZA - Board of Zoning Appeals (Variance)</i>	<i>CCE - Code Compliance Enforcement</i>
<i>CPA - Comprehensive Plan Amendment</i>	<i>SDP - Site Development Plan</i>
<i>SUB - Subdivisions</i>	<i>SUP - Special Use Permits</i>
<i>ZMP - Zoning Map Proposal (Rezoning)</i>	<i>ZTA - Zoning Text Amendment</i>

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
	<i>Deferred</i>						
Palmyra		SUP 12-007	Construct 199' Communications Tower	39	(A)29	12.7	
	<i>Approved</i>						
		BSP 12-011	Physical Survey	30A	(A)5	0	
		SDP 12-011	Building Addition - Palmyra United Methodist	30A	(1)1	0.135	

AFD - Agricultural Forestal District
BZA - Board of Zoning Appeals (Variance)
CPA - Comprehensive Plan Amendment
SUB - Subdivisions
ZMP - Zoning Map Proposal (Rezoning)

BSP - Boundary Survey Plat
CCE - Code Compliance Enforcement
SDP - Site Development Plan
SUP - Special Use Permits
ZTA - Zoning Text Amendment

Code Compliance Enforcement Activity for Director's Report

ID#	Tax Map Parcels	Reported Against	Type of Violation	Status	Status Date
Cunningham					
CCE 12-008	27 (A)18A	Rusty Lee Maupin	Auto	Warrant Obtained	9/18/2012
Fork Union					
CCE 12-001	51A (A)22	JWS Enterprises, LLC (James W. Sherrill	Misc.	1st Letter Sent	1/12/2012
Palmyra					
CCE 12-002	3 (A)-31, 32	JWS Enterprises, LLC (James W. Sherrill	Misc.	Awaiting Action	2/29/2012
CCE 10-013	10 (3)-2B	Eric D. Taylor	SUPs	Awaiting Action	5/8/2012

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
September 26, 2012
7:00 p.m.**

MEMBERS PRESENT: Barry Bibb, Chairman
Donald Gaines, Vice-Chairman
Samuel Babbitt
Patricia Eager
Carolyn Tinsley

MEMBERS ABSENT: Joe Chesser, Board of Supervisors Representative

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Allyson Finchum, Planning Director
Steve Tugwell, Senior Planner
Lauren Ryalls, Senior Program Support Assistant

CALL TO ORDER

Chairman Bibb called the Planning Commission meeting of September 26, 2012 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia. After the meeting was called to order, the Pledge of Allegiance was recited.

PLANNING DIRECTOR'S REPORT

Ms. Allyson Finchum, Planning Director, gave the monthly report to the Planning Commission.

➤ **Board of Supervisors**

○ **August 1, 2012**

▪ **ZTA 12:01 – Fluvanna County – Zoning Text Amendment**

Approved (5-0) an amendment of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding tree protection, landscaping, and off-street parking (Chapter 22, Article 22: Definitions; Chapter 22, Article 24: Tree Protection; Chapter 22, Article 26: Off-Street Parking and Loading Spaces).

▪ **ZTA 12:02 – Fluvanna County – Subdivision Ordinance Amendment**

Approved (5-0) an amendment of the Fluvanna County Subdivision Ordinance to update and strengthen regulations regarding landscaping and similar improvements (Chapter 19, Article 7: Subdivision Design Standards; Chapter 19, Article 8: Required Improvements).

○ **September 5, 2012**

▪ *None*

○ **September 19, 2012**

▪ **SUP 12:05 – Robert S. Hale-MacKinnon – Educational Facility**

Approved (3-2 Chesser, Weaver) a special use permit request to allow for an educational facility with respect to 5.193 acres of Tax Map 23, Section A, Parcel 48.

▪ **Cell Tower Presentation given to the Board of Supervisors by CityScope**

➤ **Board of Zoning Appeals Actions – No August or September Meeting.**

➤ **Technical Review Committee**

○ **August 9, 2012**

▪ **SDP 12:05 – 33 Hunter’s Branch, LLC**

A Site Development Plan (SDP) request for a contractor’s storage yard with respect to 4.68 acres of a portion of Tax Map 5, Section 20, Parcel 1. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 250 (Richmond Road) approximately 300 feet east of Hunter’s Branch Road. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

▪ **SUP 12:07 – National Communication Towers, LLC**

A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River (State Route 6) 1 mile west of its intersection with Rolling Road (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

○ **September 13, 2012**

▪ **SUP 12:08 – Jennifer D. Miller – Commercial Kennel**

A request for a Special Use Permit (SUP) to allow for a Commercial Kennel with respect to 6.0+/- acres of Tax Map 19, Section A, Parcel 77A. The property is zoned A-1 (Agricultural, General) and is located on the west side of James Madison Highway (State Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.

▪ **ZMP 12:02 – Hotel Street Capital, LLC**

An ordinance to amend the Fluvanna County Zoning Map with respect to 232.0 acres of Tax Map 30, Section A, Parcel 110 and Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development). The subject property is located within the Palmyra Election District on the western side of U.S. Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The proposed amendment would allow a maximum of 1,514 residential units (a mixture of single-family detached units, townhouses, and multi-family units) and 110,000 square feet of commercial space. According to the 2009 Comprehensive Plan, the property is located within the Palmyra Community Planning Area.

➤ **Withdrawn Application**

○ **July 26, 2012**

▪ **SUP 12:06 – Michael A. White**

A request for a Special Use Permit (SUP) to operate an automobile repair service establishment with respect to 10.02 acres of Tax Map 54, Section A, Parcel 38. The property is currently zoned A-1 (Agricultural, General) and is located on the western side of State Route 659 (Stage Junction Road) approximately 0.7 miles south of State Route 674 (Timber Road) and approximately 1.1 miles north of the Town of Columbia boundary. The property is located within the Columbia Election District. According to the 2009 Comprehensive Plan, the property is within the Rural Preservation Planning Area.

PUBLIC COMMENTS #1

Chairman Bibb opened the floor for the first section of public comments.

With no one wishing to speak, Chairman Bibb closed the first section of public comments.

APPROVAL OF MINUTES

MOTION:

Ms. Tinsley moved to **approve** the July 25, 2012 Planning Commission meeting minutes as presented.

Mr. Gaines seconded. The motion carried with a vote of 4-0-1. AYES: Bibb, Eager, Gaines and Tinsley. NAYS: None. ABSTAINED: Babbitt.

MOTION:

Dr. Babbitt moved to **approve** the August 22, 2012 Planning Commission meeting minutes as presented.

Mr. Gaines seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Tinsley. NAYS: None.

PUBLIC HEARINGS:

SUP 12:07 - National Communication Towers, LLC - A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1 mile west of its intersection with Rolling Road (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

Ms. Finchum, Planning Director, addressed the Planning Commission, regarding this application, and requested deferral since the staff report by the consultant, CityScape, has not been received yet.

The Planning Commission discussed deferring the request for a special use permit to allow for a 195-foot wireless communications tower. Mr. Payne stated that it would be inefficient and not advisable to hear this application without the consultant report and recommended deferral to a certain date.

MOTION:

Mr. Gaines moved to **defer** SUP 12:07, a special use permit request to allow for a 195 foot monopole telecommunications tower, pursuant to Fluvanna County Code Section 22-27-1 with respect to 12.7 acres of Tax Map 29, Section A, Parcel 29 until the October 24, 2012 Planning Commission meeting.

Ms. Tinsley seconded. The motion carried with a vote of 3-2. AYES: Bibb, Gaines, and Tinsley. NAYS: Babbitt and Eager.

Mr. Elliot Harrigan, National Communication Towers, LLC representative, addressed the Planning Commission regarding the deferral of this special use permit until the October 24, 2012 meeting.

PRESENTATIONS:

ZMP 12:02 – Hotel Street Capital, LLC – An ordinance to amend the Fluvanna County Zoning Map with respect to 232.0 acres of Tax Map 30, Section A, Parcel 110 and Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development). The subject property is located within the Palmyra Election District on the western side of U.S. Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The proposed amendment would allow a maximum of 1,254 residential units (a mixture of single-family detached units, townhouses, and multi-family units) and 150,000 square feet of commercial space. According to the 2009 Comprehensive Plan, the property is located within the Palmyra Community Planning Area.

Mr. Justin Shimp, representative, presented this information to the Planning Commission.

SITE DEVELOPMENT PLANS:

SDP 12:12 – Hunter’s Branch, LLC - A Site Development Plan (SDP) request for a contractor’s storage yard with respect to 4.68 acres of a portion of Tax Map 5, Section 20, Parcel 1. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 250 (Richmond Road) approximately 300 feet east of Hunter’s Branch Road. The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

Mr. Steve Tugwell, Senior Planner, presented this site development plan request for a contractor’s storage yard with respect to 4.68 acres of a portion of Tax Map 5, Section 20, Parcel 1 to the Planning Commission.

The Planning Commission discussed the reserve drain field for the site development plan request for a contractor’s storage yard.

MOTION:

Ms. Eager moved to **approve** SDP 12:12, a sketch site plan to facilitate a contractor’s storage yard with respect to 4.68 acres of Tax Map 5, Section 20, Parcels 1A and 1B, subject to the conditions listed in the staff report.

Dr. Babbitt seconded. The motion passed with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Tinsley. NAYS: None.

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

PUBLIC COMMENTS #2

Chairman Bibb opened the floor for the second section of public comments.

- Alex Vonderbecke, 2053 West River Road, spoke concerning the types of items that were going to be stored in the industrial storage yard. Mr. Vonderbecke also expressed concerns for safety and communication within the County.

With no one else wishing to speak, Chairman Bibb closed the second section of public comments.

ADJOURN

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of September 26, 2012 at 7:49 p.m.

Minutes recorded by Lauren Ryalls.

Barry Bibb, Chairman
Fluvanna County Planning Commission



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SUP 12:07
Tax Map: Tax Map 39, Section A, Parcel 29

From: Steve Tugwell
District: Fork Union
Date: October 24, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, October 24, 2012 at 7:00 pm in the Circuit Courtroom of the Courts Building.

Applicant: National Communication Towers, LLC

Requested Action: A request for a special use permit to construct a 195 foot monopole telecommunications facility and associated ground equipment with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. (Attachment A)

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Preservation Planning Area

Zoning Ordinance: Section 22-27-1

Location: The affected property is zoned A-1 and is located on the north side of West River Road (U.S. Route 6), one mile west of its intersection with Rolling Road (Route 620). (Attachment B)

Existing Land Use: Vacant land

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General and is very low-density residential in nature.

Neighborhood Meeting:

With the exception of the applicant, there were no attendees at the neighborhood meeting.

Technical Review Committee:

At the August 9, 2012 Technical Review Committee meeting, VDOT stated that the entrance would require a permit, and would be treated like a low-volume commercial/private entrance, and that 21A stone, approximately 6 to 8 inches in depth would be required back to the VDOT right-of-way;

The Fire Dept. requested that space be available for Fluvanna County's 911 equipment;

The Health Department stated that the proposed wireless communication tower appears to have no environmental impact, and that there are no homes, septic systems or wells located on this property. (Attachment C).

Planning Commission:

At the September 26, 2012 Planning Commission meeting, staff requested deferral of this request to the October 24, 2012 meeting pending a recommendation and further evaluation from Cityscape Consultants.

Comprehensive Plan:

The Comprehensive Plan designates this area as within the Rural Residential Planning Area. The Infrastructure Chapter of the Comprehensive Plan has the following recommendations concerning the siting of cellular towers.

- Encourage the location and co-location of wireless communication equipment on existing structures;
- Accommodate the growing need and demand for wireless communication services;
- Encourage coordination between communication providers;
- Establish consistent and balanced legal language governing wireless communications facilities that take into consideration the Comprehensive Plan and communications master plan; and
- Maintain compliance with applicable laws, including but not limited to the 1996 Telecommunications Act.

The above recommendations are the primary reasons the county has procured a telecommunications consultant to assist with these applications.

Analysis:

When evaluating proposed uses for special use permits, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The character and established pattern of the area where the communications facility is proposed is rural, not highly populated, and has land involved in agricultural production. According to the Virginia Department of Transportation, the entire segment of Route 6 in Fluvanna County is designated as a Virginia Byway. “Per Virginia Code, a Virginia Byway means those highways designated by the Commonwealth Transportation Board (CTB) pursuant to articles §33.1-62 through §33.1-66. The Virginia Outdoors Plan, from the Department of Conservation and Recreation (DCR), identifies roads that have been considered as having intrinsic qualities of Virginia Byways for many years”.

To be considered, a segment of road must substantially meet the following criteria:

- The route provides important scenic values and experiences;
- There is diversity of experiences, as in transition from one landscape scene to another;
- The route links together or provides opportunities to leave high-speed routes for variety and leisure in motoring. Landscape control or management along the route is feasible;
- The route allows for additional features that will enhance the motorist’s experience and improve safety;
- Local government(s) has/have initiated zoning or other land-use controls, so as to reasonably protect the aesthetic and cultural value of the highway. (Attachment D)

Staff conducted a site visit on Monday, August 27, 2012, in order to assess the potential visual impacts of the proposed tower, and also to observe the balloon test. Weather conditions that day were sunny, dry, and cool with little wind. Staff concluded that the tower would be visible from portions of West River Road (Route 6), at the subject parcel, but minimally visible when traveling east or west away from the subject parcel. The tower would also be clearly visible from portions of the Rosewood Manor Rural Cluster subdivision located south of the site. The proposed tower would be situated in an open space, with little to no existing vegetation in which to screen the facility from Route 6. The balloon was also visible from neighboring properties and roadways, including the Fluvanna Baptist Church located adjacent to the south. In consideration of the proximity of the proposed tower’s location to West River Road (Route 6), a Virginia Byway, the proposed facility could also be concealed as a firetower or other similar structure that would better blend with the rural character of the area. As proposed, it appears that a tower sited at this location could change the character and established pattern of the area, and/or create impacts that may be regarded as less than sensitive to its scenic beauty. (Attachment E)

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

This is a rural area, and all of the surrounding property is zoned A-1 (Agricultural General). Since the proposed tower will be less than 200 feet, it will not have to be lighted. The applicant is proposing to build a 195 foot non-concealed freestanding antenna support facility within a 125 foot x 125 foot lease area, which per Sec. 22-27-8, requires a special use permit, and is not permitted by-right. Some permitted by-right uses in the A-1 zoning district include single-family dwellings, minor utilities, hunting preserves, public parks, home occupations, private kennels, group homes, and temporary sawmills to name a few. The definition of a minor utility is: *“Facilities for the distribution and collection of public, private, and central utilities including poles, lines, transformers, pipes, meters, and communication and distribution lines”*.

When evaluating an application for a proposed new telecommunication antenna support facility (TASF), siting of new facilities shall be in accordance with Sec. 22-27-8, the siting preference table. The applicant is proposing to construct a new 195 foot non-concealed freestanding antenna support facility (monopole). The subject property is zoned A-1 (Agricultural, General), and in accordance with the siting preference table, this application requires a special use permit and public hearing process.

Pursuant to Sec. 22-27-9.8, all new telecommunication antenna support facilities shall meet the requirements of that section. Staff has evaluated the application, and it appears all of the requirements of this section have been met.

According to the Fluvanna County Wireless Master Plan, the area of the proposed tower is absent of sufficient telecommunications service, and could accommodate all of the service providers with a uniform and dependable signal 24/7. The applicant has stated in their application, that *“the tower will be designed to support a minimum of six collocations and the fenced compound will house a variety of support buildings and equipment pads”*. The ability to accommodate more collocations could result in a need for fewer new towers. The applicant has also stated that *“the facility will provide wireless services, telephone and broadband, along the Route 6 corridor and surrounding area”*. Also, *one radiation center on the tower and a 10’ x 20’ space in the compound will be made available for Fluvanna County’s 911 equipment on a rent free basis”*.

The applicant proposes to construct and maintain a leased telecommunication facility on the north side of West River Road (U.S. Route 6), one mile west of its intersection with Rolling Road (Route 620). The proposed facility would be comprised of a 195 foot monopole tower with the potential for multiple carriers, along with peripheral ground equipment. The proposed site will be within an 80 x 90 fenced area, surrounded by a (125 ft. x 125 ft.) lease area. (Attachment F)

Conclusion:

It is the consensus of Cityscape Consultants and County Staff that our Telecommunications Facilities Master Plan is not currently up-to-date. It is not clear if this application is in conformance with the Master Plan, and/or consistent with the needs of telecommunications subscribers in the immediate subject area. Further, the subject property is not identified in the

current Master Plan as a proposed tower site, nor has a lease agreement been provided with this application.

Cityscape Consultants has stated that they are not prepared to render a recommendation at this time. Due to out-of-date information on the existing Master Plan, Cityscape Consultants will not be able to render a determination. Therefore, it is not clear if this request for a special use permit for a 195 ft. monopole telecommunication facility is in substantial conformance with the intent of the Telecommunications Master Plan. (Attachment G)

If the Planning Commission wishes to consider this request, then consideration should be given to the potential for visual impacts to the Route 6 Virginia Byway, and to nearby properties, and also to whether or not this application is in conformance with the Telecommunications Master Plan and the Telecommunications Facilities Ordinance. Given the proximity of the proposed facility to the Byway, the Commission may also wish to consider requiring a concealed facility instead of the proposed non-concealed facility. If approved, staff recommends the following conditions:

- 1) The tower, including antennae, will not be higher than 199 ft. and will not be lit;
- 2) The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County; Virginia;
- 3) Prior to issuance of building permits the applicant shall submit satisfactory SHPO and NEPA documentation;
- 4) The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
- 5) The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the highest designed elevation. Space for ground level electronic equipment shall also be provided;
- 6) The facility when completed shall be accessible only to authorized personnel;
- 7) The tower shall be a monopole, and shall be engineered with breakpoint technology;
- 8) The facility shall install the necessary landscaping buffer;
- 9) The applicant shall install an emergency generator to ensure continuity of telecommunications operations in the event of a disaster or major power outage; and provisions for such generators shall include additional special treatments; for diesel, a fuel retaining area for propane, ignition separation requirements; and that generator testing shall occur only between 9 AM and 4 PM Monday through Friday; and the same shall be noted on the site development plan;
- 10) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
- 11) The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers;
- 12) The tower shall be in the same location as shown in the application;
- 13) Violation of any condition of this permit shall be grounds for revocation of this permit, and;
- 14) The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time.

Suggested Motion:

I move that the Planning Commission recommend **approval/denial** of SUP 12:07, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29, (if approved) subject to the conditions listed in the staff report.

Attachments:

- A – Application, statement of proposed use, and APO letter
- B – Aerial Vicinity Map
- C – Email from the Health Dept.
- D – Virginia Department of Transportation excerpt and byway map
- E - Applicant’s photos, photosimulations, and balloon flight statement
- F – Tower design certification, search ring map, and sketch site plan
- G – Projected new infrastructure infill sites map

Copy: Owner- Robert K. Spencer, P.O. Box 52, Scottsville, VA 24590
Applicant – National Communication Towers, LLC, 5413 Patterson Avenue, Suite 101, Richmond, VA 23226
CityScape Consultants, 7050 W. Palmetto Park Road # 15-652, Boca Raton, FL 33433

JUL 27 2012



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Fluvanna County

Application for Special Use Permit (SUP)

Owner of Record: Robert K. Spencer

Applicant of Record: National Comm. Towers, LLC

E911 Address: P.O. Box 52, Scottsville, VA 24590

E911 Address: 5413 Patterson Ave., Suite 101, Rich., VA 23226

Phone: 434-286-3400 Fax: _____

Phone: 804-673-8800 X303 Fax: 804-673-4242

Email: _____

Email: adoss@nationaltowers.com

Representative: Al Doss, National Comm. Towers, LLC

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 5413 Patterson Ave., Suite 101, Rich., VA 23226

Phone: 804-673-8800 X303 Fax: 804-673-4242

Is property in Agricultural Forestal District? No Yes

Email: adoss@nationaltowers.com

If Yes, what district: _____

Tax Map and Parcel(s): 39-A-29

Deed Book Reference: WB 23-673

Acreage: 12.7 Zoning: A-1

Deed Restrictions? No Yes (Attach copy)

Request for a SUP in order to: construct a 199' communications tower

Proposed use of Property: Telecommunications Facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building structure or proposed use, and the dimensions and location of the existing structures on the lot.

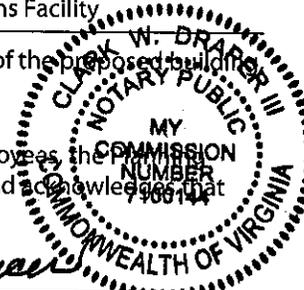
By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees as the Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 28 December 2011 Signature of Owner/Applicant: _____

Subscribed and sworn to before me this 28 day of December 2011 Register # 7100144

My commission expires: 6/30/2015 Notary Public: _____

Certification: Date: _____ Zoning Administrator: _____



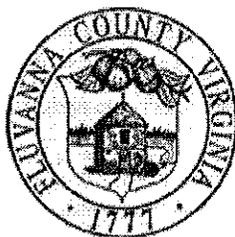
All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY	
Date Received: <u>7/27/12</u>	Pre-Application Meeting: _____ PH Sign Deposit Received: <u>CK#9147</u> Application #: <u>SUP 12-007</u>
\$800.00 fee plus mailing costs paid: _____	Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid: _____	
Telecommunications Tower \$1,500.00 fee plus mailing costs paid: _____	<u>(\$5,500 w/Consultant Review paid) CK# 9146</u>
Election District: <u>Fork Union</u>	Planning Area: <u>Rural Preservation</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: <u>9/13/12 + 9/20/12</u>	Advertisement Dates: <u>10/4/12 + 10/11/12</u>
APO Notification: <u>9/12/12</u>	APO Notification: <u>10/3/12</u>
Date of Hearing: <u>9/26/12</u>	Date of Hearing: <u>10/17/12</u>
Decision: _____	Decision: _____

Received

JUL 27 2012

Fluvanna County



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: National Communication Towers, LLC

Address: 5413 Patterson Ave., Suite 101

City: Richmond

State: VA

Zip Code: 23226

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Applicant Signature

Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY

Application #: BZA _____ : CPA _____ : SUP 12:007ZMP _____ : ZTA _____ :

\$90 deposit paid per sign*:

CK# 9147

Approximate date to be returned:

November 2012

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Wireless communication facility to include a 199' Monopole Tower and support facility enclosed within an 80' X 90' fenced compound. The tower will be designed to support a minimum of six collocations and the fenced compound will house a variety of support buildings and equipment pads.

NECESSITY OF USE: Describe the reason for the requested change.

To provide wireless services, telephone and broadband, along the RT 6 corridor and surrounding area.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

The tower will be a Monopole design to help minimize the potential visual impact to the surrounding properties. Also the existing trees along the property line will remain and additional evergreen trees will be planted to screen the view of the facility from RT 6.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

The Facility will provide wireless phone coverage, data transmissions and internet services to the area. Also, one Radiation Center on the tower and a 10' X 20' space in the compound will be made available for Fluvanna County's 911 equipment on a rent free bases.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Please see the attached Site Plan.

**Statement of Proposed Use
Special Use Permit Application
National Communication Towers, LLC
Rockfish Creek, Tax Parcel 39-A-29**

National Communication Towers L.C. ("National") as lessee, hereby applies for a Special Use Permit to allow a telecommunications facility and accessory structures on leased land. The leased land is located on property known by Tax Map Parcel 39-A-29. The parcel is located on the north side of Rt. 6 approximately 5 miles west of Rt. 620, Kidds Store. According to the tax records of Fluvanna County it is owned by Colonel Robert K. Spencer, P.O. Box 52, Scottsville, VA 24590.

National is requesting a Special Use Permit to allow a self support Monopole Tower, measuring approximately 195' in height with a 4' lightning rod, to be located within a leased area, measuring 125' x 125'. The facility will be designed to allow multiple collocations on the tower and within a secure fenced compound area. The exact number and types of future users is difficult to predict, however the tower will be designed to accommodate a mix of carrier types. The design mix will include: 6 or more users of panel antennas (typically 15 panels, 12" wide X 72" high, per user). Likewise, the compound area is designed to accommodate a mix of shelter types and sizes as denoted on the drawings submitted with this application.

The 12.7 acre parcel is zoned A1. According to the Fluvanna County zoning ordinance, telecommunication facilities are permitted on A1 zoned properties, with Special Use Permits. Proper setback distances have been observed and are denoted on the enclosed plans.

National develops telecommunication facilities for collocations by cellular, PCS, paging and other wireless services which rely upon a network of elevated platforms in areas where the carriers have gaps in signal coverage, or "holes." Such a hole exists along the Route 6 corridor. Supported by propagation studies, National believes a communications facility located on the subject parcel will enable carriers to fill this gap, while minimizing the effect on surrounding property owners.

The FCC has authorized several carriers to provide wireless services in this part of Cumberland County. Those carriers include: Sprint, AT&T, Verizon Wireless U.S. Cellular and Ntelos.

The facility will be in continuous operation but will produce no interference with other types of communications including: radio, television, cable TV, garage door openers or other consumer electronic equipment. No offices will be constructed on the site, so neither sewer nor water facilities will be required. The facility will produce no refuse, noise, vibration, dust, glare, odors or fumes. Neither National nor any of the tower users will introduce hazardous or toxic substances to the site. After completion of construction, the only traffic associated with the site will be short visits by technicians on a monthly basis to test or replace equipment components. In most instances towers below 200' are not required by the FAA to be lit.

The facility will provide a vital public safety service to this part of the County in two important ways. First, the County may co-locate antennas for law enforcement and fire and rescue at the 195' radiation Center along with a 10' X 20' space inside of the compound on rent free bases. Second, this new facility will enable wireless services to be extended to this part of the County, enabling the public at large to utilize those services for important medical or life-safety calls.

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and conditions. National is not seeking any wavier or variance for the proposed use at this time. National respectfully requests the approval of this Special Use Permit application.



Al Doss
Vice President of Development
National Communication Towers, L.L.C.

DEVELOPER
SOS V. 111
YTDIC. * S1015W15

12/15/2011
Date

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

Mailing Address:
P.O. Box 8502
Richmond, Virginia 23226

December 9, 2011

Darren Coffey
Planning Director, Fluvanna County
P.O Box 540
Palmyra, VA 22963

Re: Siting Hierarchy for an SUP application for a Wireless Telecommunications Tower
Applicant: National Communication Towers, LLC
Tax Parcel 39-A-29 ("Rockfish Creek Tower")
Owner: Colonel Robert K. Spencer
Latitude: 37-47-46.7N Longitude: 78-22-34.1W

Dear Mr. Coffey:

As per the Fluvanna County Zoning Ordinance Article 27, Section 22-27-7, I am submitting this statement to demonstrate compliance with the County's siting hierarchy for the construction of new wireless communication facilities.

Our research indicates there is no County-owned property or any suitable tall structures within approximately a 1.25 mile radius of our proposed tower site. Therefore, our proposed 195' Monopole tower complies with the "Siting Hierarchy" found in Article 27, Section 22-27-7 of the Fluvanna County Zoning Ordinance.

Should you have any questions, please do not hesitate to contact me at 804.366.1165

Sincerely,



Al Doss
Vice President of Operations

Received

NOV 15 2011

PLANNING DEPARTMENT

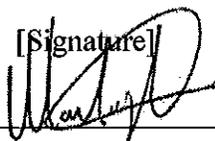
Affidavit of Mark Taylor, P.E.

(Review of Letter Entitled:
(Siting Hierarchy for an SUP application for a Wireless -
(Telecommunications Tower
(Dated: 12/9/2011
(Applicant: National Communication Towers, LLC.
(Site Name: Rockfish Creek Tower
(Tax Parcel 39-A-29

I, Mark Taylor, declare that I am a licensed Professional Engineer in the Commonwealth of Virginia with my primary experience and expertise in Wireless Communications and Safety.

I have reviewed the document attached herewith, and agree that the statements set forth in the letter are factual and accurate to my knowledge.

[Signature]



[Date]

12/19/2011

Mark A. Taylor, P.E.

Virginia License: 039282

Seal:



60190900

NOV 18 2011

COMMONWEALTH OF VIRGINIA



December 19, 2011

Mr. Al Doss
Vice President of Operations
National Communications Towers, LLC
5413 Patterson Ave, Suite 101
Richmond, VA 23226

RE: Proposed Telecommunications Structure at the Rockfish Creek Tower Site in Fluvanna County, VA, Latitude: 37-47-46.7N Longitude: 78-22-34.1W.

Dear Mr. Doss:

This letter is provided per the request of National Communications Towers, L.L.C., and addresses the assurances that National Communication Towers will meet "Fluvanna County Communications Application Checklist" items 4 and 5.

Item 4: National Communications Towers, LLC will ensure its member tenants adhere and comply with FCC rules regarding exposure to RF energy.

Item 5: National Communications Towers, LLC will ensure its member tenants adhere and comply with FCC rules regarding radio frequency interference.

If any questions arise regarding the Radio Frequency issues of proposed application please get in touch at the number or email address listed below.

Cordially,

Mark Taylor, P.E.
Edge Wireless, LLC
marktaylor03@comcast.net
M 443-271-3714



NATIONAL COMMUNICATION TOWERS, LLC

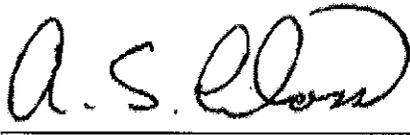
5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

January 12, 2012

Search Ring Certification Rockfish Creek

This is to certify the submitted NCT Search Ring depicted in the map titled "NCT SEARCH RING" is based on the best information received from the carrier as to the site location and is the same search ring as utilized in the selection of the site.

Signed: _____



Al Doss
Vice President of Development

Memorandum

DATE: October 10, 2012
RE: APO'S for **SUP 12:07** Public Hearing Letters
TO: Allyson Finchum
FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **October 24, 2012** Planning Commission meeting.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

NOTICE OF PUBLIC HEARING

October 10, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP»

Re: Public Hearing on SUP 12:07

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, October 24, 2012 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 12:07 – National Communication Towers, LLC – *A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1 mile west of its intersection with Rolling Road (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.*

The applicant or applicant's representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me by phone at (434) 591–1910 or by email at stugwell@fluvannacounty.org.

Sincerely,

Steve Tugwell
Senior Planner

SUP 12-07 Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
39 A 28	NEW FORESTRY LLC	3715 NORTHSIDE PKWY STE 2-500	ATLANTA, GA	30327
39 A 29	SPENCER, ROBERT K.	PO BOX 52	SCOTTSVILLE, VA	24590
39 A 30	FLUVANNA BAPTIST CHURCH & PARSONAGE	7524 WEST RIVER RD	SCOTTSVILLE, VA	24590
39 A 30	FLUVANNA BAPTIST CHURCH & PARSONAGE	7454 WEST RIVER RD	SCOTTSVILLE, VA	24590
39 13 51	RYDER, PHILLIP D	2422 RICHMOND RD	CHARLOTTESVILLE, VA	22911
48 A 16	SWALES, SUSAN	PO BOX 566	SCOTTSVILLE, VA	24590
48 A 17	SWALES, SUSAN	PO BOX 566	SCOTTSVILLE, VA	24590
APPLICANT/REPRESENTATIVE	AL DOSS, NATIONAL COMM. TOWERS, LLC	5413 PATTERSON AVE, STE 101	RICHMOND, VA	23226



Scale: 1:4513.988705

Date: 09/21/2012

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

Fluvanna County
Technical Review Committee Meeting
August 9, 2012

SDP 12:05 – 33 Hunter’s Branch, LLC – Proposed storage yard appears to have no impact on the existing well and septic system located on this lot (Tax Map # 5-20-1). The existing system was sized to accommodate 5 employees or a maximum of 100 GPD. No additional connections can be made to this system without receiving prior health department approval.

SUB 12-12 – National Communication Towers, LLC – Proposed wireless communications tower appears to have no environmental impact. There are no homes, septic systems or wells located on this property.



Programs

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Sut

Virginia Byway - Frequently Asked Questions

[Home](#) | [Scenic Drives](#) | [Print Map](#) | [Order Map](#) | [Photos](#) | [FAQs](#)

Adventure beckons on the roads and highways designated as Virginia Byways. More than mere pavement between points A and B, a Virginia Byway offers travelers a side of the Commonwealth that is uncommon and enlightening. Each byway leads to scenes of natural beauty and places of historical and social significance.

Currently, there are nearly 3,000 miles of roads designated as Virginia Byways, yet several hundred more miles of Commonwealth roadway could qualify. To help attract visitors and support economic development through tourism, the Virginia Department of Transportation (VDOT), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourage local governments to nominate roads for Virginia Byway designation.

What's the purpose of the Virginia Byway program?

The program identifies road corridors containing aesthetic or cultural value near areas of historical, natural or recreational significance. By designating certain roads as Virginia Byways, widely distributing "A Map of Scenic Roads in Virginia," and promoting the Virginia Scenic Roads Web site, the program encourages travel to interesting destinations and away from high-traffic corridors.

Byways also stimulate local economies by attracting visitors to lesser-known destinations. One study showed visitors spent \$1.8 billion in counties adjacent to the Blue Ridge Parkway in Virginia and North Carolina. This supported nearly 75,000 jobs and generated more than \$147 million in tax revenues in the region.

What makes a Virginia Byway different from other roads?

People like to explore. The 2000 Virginia Outdoors Survey, conducted by Virginia's Department of Conservation and Recreation (DCR), finds that driving for pleasure is the second most popular outdoor activity, with more than 82% of the population participating.

By following the highlighted byways on the state transportation map, the scenic roads map and the scenic roads Web site, visitors are directed to places where they can tour wineries, explore Civil War battle sites and historical attractions, view beautiful scenery and enjoy recreational resources.

Once designated, a byway becomes part of the coordinated promotional strategy for Virginia tourism.

What are other important considerations regarding Virginia Byway status?

- Virginia Byway designation gives localities the opportunity to participate in the National Scenic Byway Program.
- It might limit placement of outdoor advertising signs.
- It does not affect land use controls.
- It does not limit road improvements.

What is a Virginia Byway?

Per Virginia Code, "Virginia Byway" means those highways designated by the Commonwealth Transportation Board (CTB) pursuant to articles §33.1-62 through §33.1-66. The Virginia Outdoors Plan, from DCR, identifies roads that have been considered as having intrinsic qualities of Virginia Byways for many years. In addition, there are other roads that meet the criteria for designation.

What are the criteria?

To be considered, a segment of road must substantially meet the following criteria:

- The route provides important scenic values and experiences.
- There is a diversity of experiences, as in transition from one landscape scene to another.
- The route links together or provides access to scenic, historic, recreational, cultural, natural and archeological elements.
- The route bypasses major roads or provides opportunities to leave high-speed routes for variety and leisure in motoring. Landscape control or management along the route is feasible.
- The route allows for additional features that will enhance the motorist's experience and improve safety.
- Local government(s) has/have initiated zoning or other land-use controls, so as to reasonably protect the aesthetic and cultural value of the highway.

What are the steps to designation?

1. Anyone can request byway designation, but local government(s) must adopt a resolution of support.
2. Upon receipt of a request and historical documentation from an interested party/local government, the Virginia Department of Transportation (VDOT) and the Virginia Department of Conservation and Recreation (DCR) collect information on local zoning laws, traffic volumes and accident reports before evaluating the roads according to the criteria.
3. Based on a joint review according to the criteria, the DCR Director recommends qualifying roads for consideration by the CTB.
4. Before the CTB acts, VDOT offers the local government the opportunity to hold a public hearing. If a public hearing is requested, VDOT's Local Assistance Division and DCR will provide assistance.
5. After the public hearing, or if no hearing was requested, the CTB officially designates the byway(s) at their next scheduled meeting. Subsequently, signs are posted, and changes are made to the appropriate maps.

How can I get more information about the Virginia Byway program?

Call **1-800-FOR-ROAD (1-800-367-7623)** or contact Lynn Crump, Virginia Department of Conservation and Recreation, at Lynn.Crump@dcr.virginia.gov.

For additional copies of this brochure or others in the VDOT Answers Your Questions series, please contact:

Virginia Department of Transportation
Office of Public Affairs
1401 East Broad Street
Richmond, VA 23219
E-mail: vdotinfo@VDOT.Virginia.gov

Page last modified: Nov. 1, 2010

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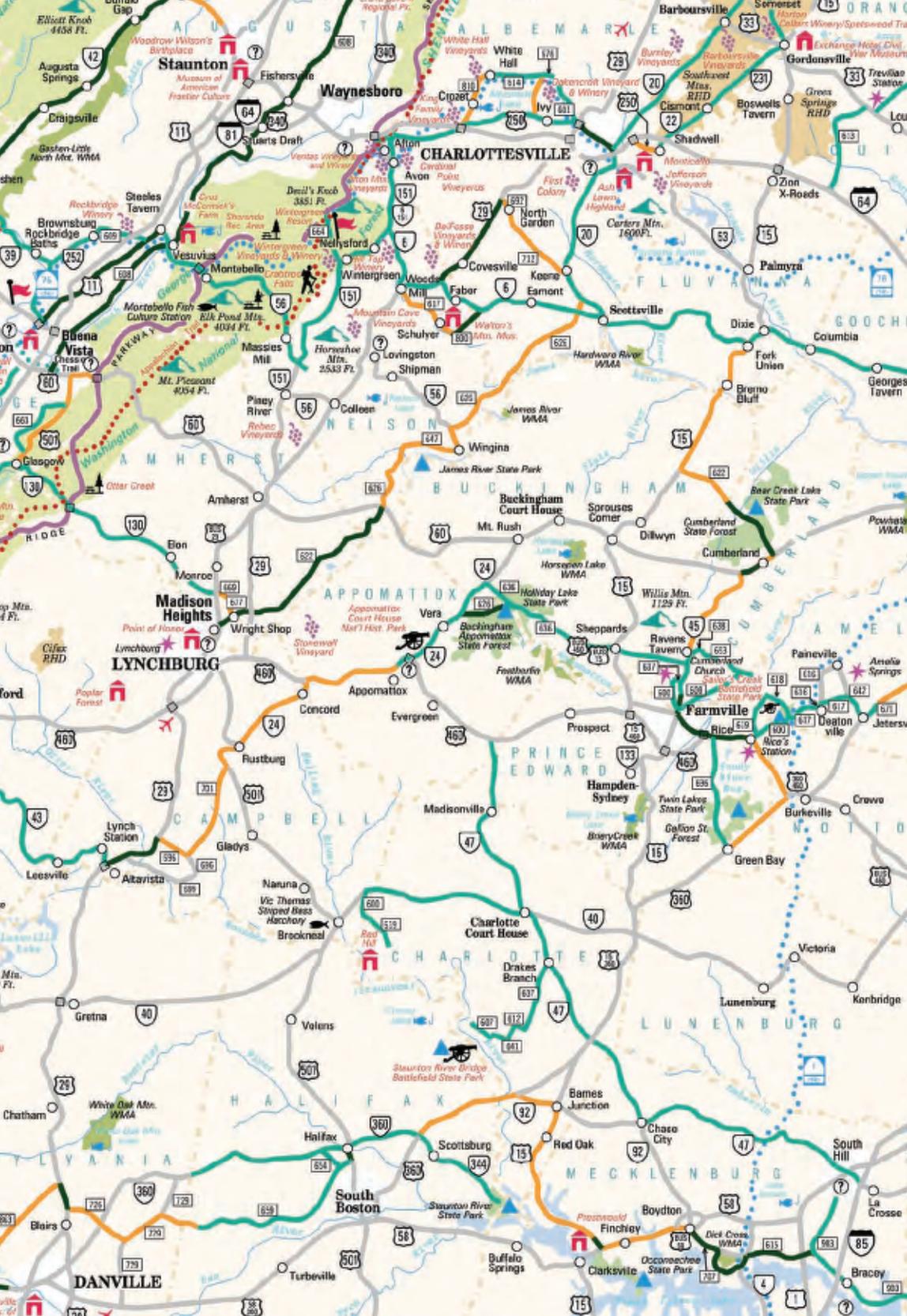
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NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

Rockfish Creek Tower Balloon Flight Certification Statement August 27, 2012

General weather conditions: fog in the early morning and lifted by 9 AM, average visibility after fog dissipated was 7-10 miles, light winds averaging 0 to 8 MPH from 7:40 AM to 12:02 PM and mostly calm throughout the morning.

7:40 AM: Balloon launched, winds calm at 0-3 MPH foggy

8:00 AM to 12:02 PM: Winds calm at 0-8MPH

12:02 PM: Ended balloon flight

Comments:

- 1) 9:20 AM Supervisor Weaver stopped by the site and examined the tower location as staked in the field. He enquired as to the location of the access road and the location of the compound on the site.
- 2) 10:30 AM Earnest Butler stopped by to view the balloon and enquired as to the location of the access road.
- 3) 11:30 AM Steven Tugwell, Fluvanna County Senior Planner, drove by the site.

Date: 8/27/2012



Stephen B. Gallagher

Vice President of Construction

5413 Patterson Avenue

Suite 101

Richmond, VA 23226

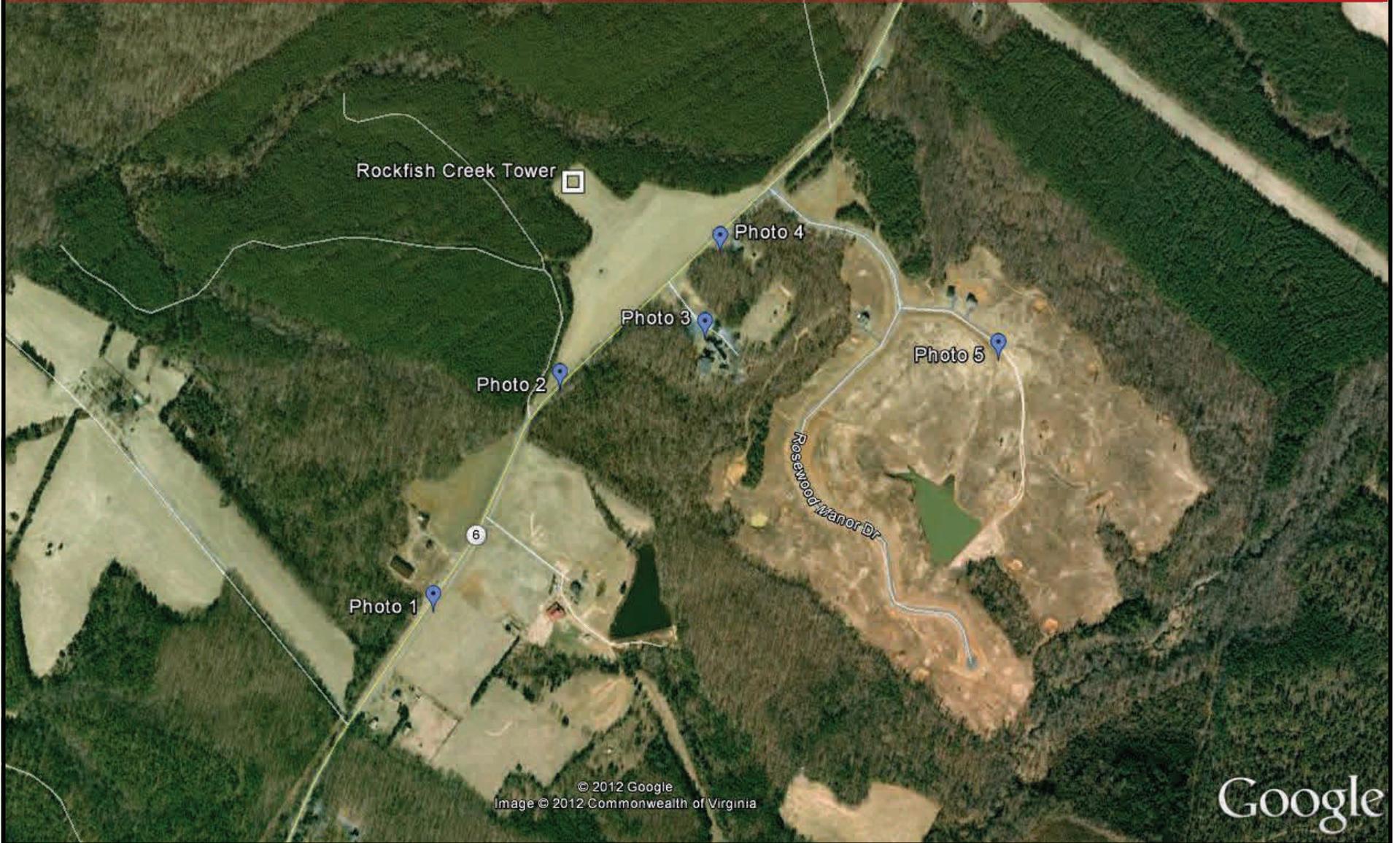
804.673.8800

Monopole Tower Simulation

August 27, 2012



NCT



Tower Visibility Map

NCT

TOWER VISIBLE 

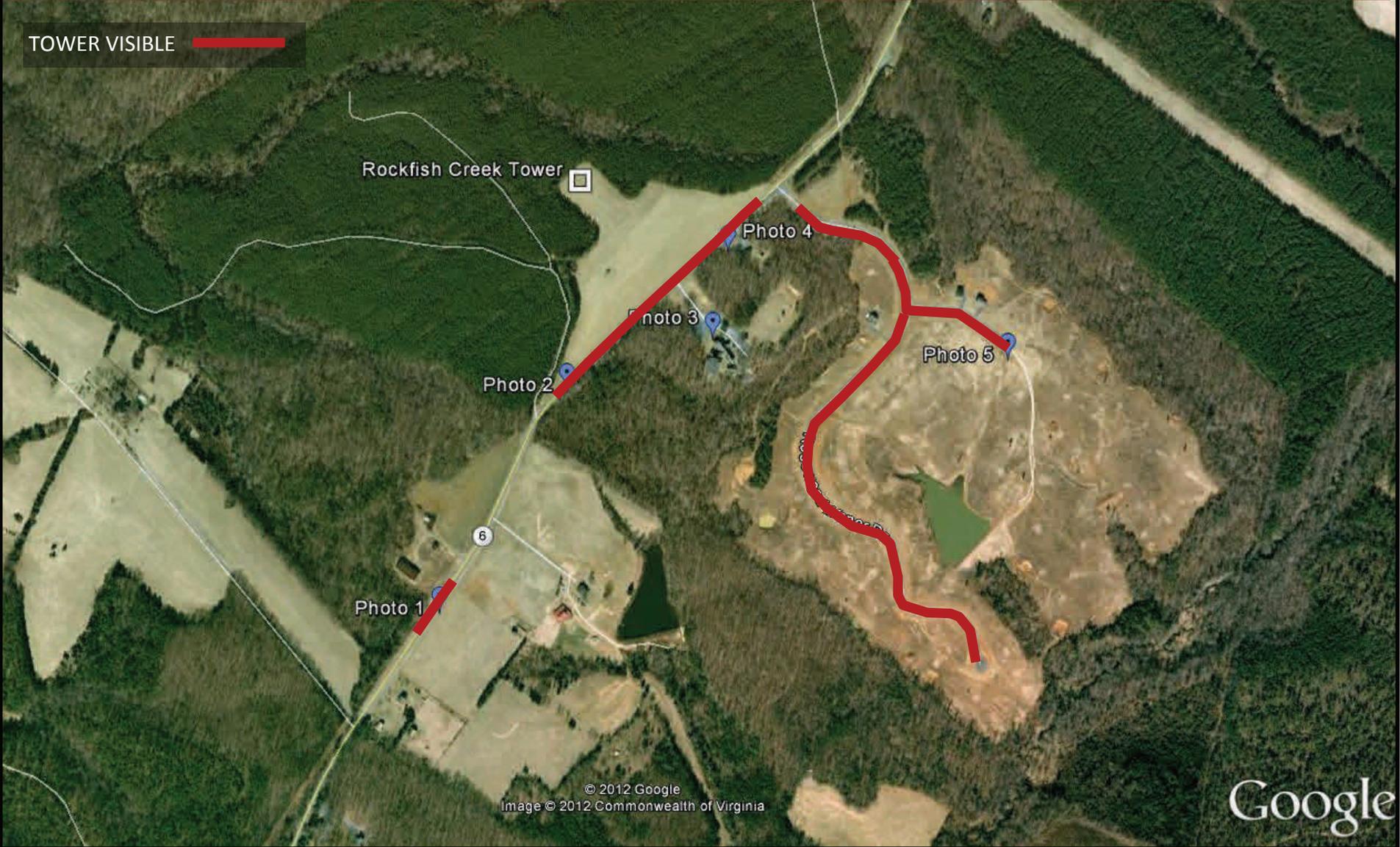


PHOTO 1: BALLOON FLIGHT



Enlarged View of Balloon

BALLOON



VIEW FROM THE WEST (LOOKING TO THE EAST ~2,365')
LOCATION: SWALE PROPERTY ALONG RT 6 (WEST RIVER ROAD)

NCT

PHOTO 1: TOWER SIMULATION



Enlarged View of Tower

TOWER



VIEW FROM THE WEST (LOOKING TO THE EAST ~2,365')
LOCATION: SWALE PROPERTY ALONG RT 6 (WEST RIVER ROAD)

NCT

PHOTO 2: BALLOON FLIGHT

BALLOON



VIEW FROM THE SW (LOOKING TO THE NE ~1,060')

LOCATION: RT 6 EDGE OF FIELD OPENING

NCT

PHOTO 2: TOWER SIMULATION

VIEW FROM THE SW (LOOKING TO THE NE ~1,060')
LOCATION: RT 6 EDGE OF FIELD OPENING

NCT

PHOTO 3: BALLOON FLIGHT

BALLOON



VIEW FROM THE SE (LOOKING TO THE NW ~1,080')

LOCATION: PARKING LOT AT FLUVANNA BAPTIST CURCH—SOUTH SIDE OF RT 6 (WEST RIVER ROAD)

NCT

PHOTO 3: TOWER SIMULATION



VIEW FROM THE SE (LOOKING TO THE NW ~1,080')

LOCATION: PARKING LOT AT FLUVANNA BAPTIST CURCH—SOUTH SIDE OF RT 6 (WEST RIVER ROAD)

NCT

PHOTO 4: BALLOON FLIGHT

BALLOON



VIEW FROM THE SOUTH (LOOKING TO THE NORTH ~860')
LOCATION: 524 WEST RIVER ROAD (RT 6) CHURCH PARSONAGE

NCT

PHOTO 4: TOWER SIMULATION



VIEW FROM THE SOUTH (LOOKING TO THE NORTH ~860')
LOCATION: 524 WEST RIVER ROAD (RT 6) CHURCH PARSONAGE

NCT

PHOTO 5: BALLOON FLIGHT

BALLOON



Enlarged View of Balloon

VIEW FROM THE SE (LOOKING TO THE NW ~2,465')
LOCATION: CUL DE SAC AT ROSEWOOD COURT

NCT

TOWER



VIEW FROM THE SE (LOOKING TO THE NW ~2,465')
LOCATION: CUL DE SAC AT ROSEWOOD COURT

NCT

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

September 21, 2012

Rick Edwards
Consultant
CityScape Consultants, Inc.
10704 Elmbrook Ct.,
Raleigh, NC 27614

Subject: Rockfish Creek Communications Tower Design Certification

This letter is to certify National Communications Towers, LLC, as applicant and developer of the Rockfish Creek Communications Facility, will design and build the proposed monopole tower capable of bearing the equipment loading of six collocations (See the attached Tower Design RFQ). Also in the event of a catastrophic occurrence, the tower will be designed with breakpoint technology and will fail at the 105' elevation AGL.

Sincerely,



Stephen B. Gallagher
V.P. of Construction

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

January 9, 2012

Rockfish Creek
Fluvanna County, VA
37-47-46.7N
-78-22-34.1W

National Communication Towers (NCT) is requesting a quote for a monopole tower with the following specifications:

Height: 195' Monopole plus 4' lightning rod
Tower Break Point at the 105' Elevation AGL

Loading:

Rad Ctr	Panel Antenna	Qty	Coax	Qty	Mounts
195	72"x12"x8"	15	1-5/8"	18	Low Profile
185	72"x12"x8"	15	1-5/8"	18	Low Profile
175	72"x12"x8"	12	1-5/8"	15	Low Profile
165	72"x12"x8"	12	1-5/8"	15	Low Profile
155	72"x12"x8"	12	1-5/8"	12	Low Profile
145	72"x12"x8"	12	1-5/8"	12	Low Profile

Safety Climb

Step Bolts

Galvanized finish

Designed to collapse at the 105' tower elevation

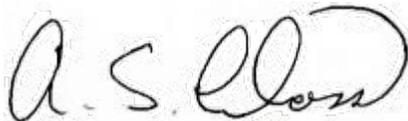
Revision G for structural analysis, Fluvanna County, VA

Certified foundation design, tower drawings and engineer's letter to be provided

Delivery to: 7500 Block of West River Road, Scottsville, Virginia 24596

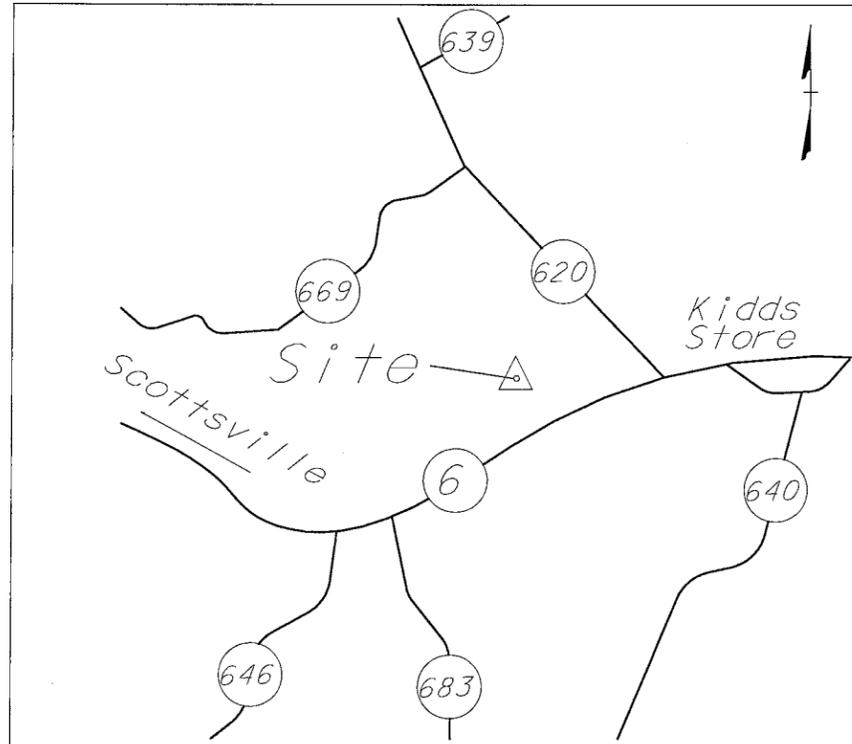
Should you have any questions please call feel free to contact me.

Regards,



Al Doss

Vice President of Development
National Communications Towers, LLC
Office: 804-673-8800 Ext. 303
Cell: 804-366-1165
Fax: 804-673-4242
adoss@nationaltowers.com



Vicinity Map Scale: 1" = 1000'

DIRECTIONS TO SITE

FROM RICHMOND, TAKE VA-6 WEST FOR APPROXIMATELY 42 MILES. SITE IS ON THE RIGHT 0.9 MILES BEYOND THE INTERSECTION WITH ROUTE 620.

Construction Certification

To the best of my knowledge this site is designed to comply with applicable Federal, State and Fluvanna Building Codes.

LANDOWNER

Col. Robert K. Spencer
P.O. Box 52
Scottsville, Va 24596

EROSION AND SEDIMENT CONTROL RESPONSIBLE LAND DISTURBER
NAME: ALBERT S. DOSS CERTIFICATE #: 22075 EXPIRATION DATE: MAY 25, 2014

ROCKFISH CREEK 199 TOWER SITE SITE PLAN

WEST RIVER ROAD (RTE 6)
FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DEVELOPED BY:
NATIONAL COMMUNICATION TOWERS, LLC

INDEX OF SHEETS

SHEET NAME	SHEET NUMBER
TITLE SHEET	T-1
GENERAL NOTES	T-2
GRADING SITE PLAN	A-1 THRU A-2
COMPOUND LAYOUT & TOWER ELEVATION	A-3
CIVIL NOTES & DETAILS	C-1
FENCE NOTES & DETAILS	C-2
ENTRANCE REQUIREMENTS	C-3
SOIL MAP	C-4
APPROVAL AND CONDITIONS	SE-1
SURVEY (SHOWS LEASE PARCEL, INGRESS/EGRESS, UTILITY EASEMENT AND TREE BUFFER)	1 OF 1 THRU 2 OF 2



NATIONAL COMMUNICATION
TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS

NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD
(RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12

SCALE: AS SHOWN

DESIGNED: J.C.

CHECKED: J.C.

DRAWN: COT

SHEET TITLE

TITLE SHEET
T-1

GENERAL NOTES:

1. PROJECT DEVELOPER: NATIONAL COMMUNICATION TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226

PROPOSED USE: 199' TELECOMMUNICATIONS TOWER AND SUPPORTING FACILITY CONTAINED WITHIN A FENCED COMPOUND.
2. TOWER OWNER: NATIONAL COMMUNICATION TOWERS, LLC
3. LAND OWNER: ROBERT K. SPENCER
4. ELECTRIC UTILITY: Central Virginia Electric Coop.
1-800-367-2832

TELEPHONE UTILITY: VERIZON
(877) 300-4498
5. ZONING APPROVAL:
6. PROPERTY ZONING: A-1

TAX PARCEL NUMBER: 39-A-29
7. LATITUDE: N 37° 47' 46.68"
8. LONGITUDE: W 78° 22' 32.82"
9. NCT WILL OBTAIN THE LAND DISTURBING PERMIT. THE CONTRACTOR SHALL SECURE ALL OTHER NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENT AGENCIES.

ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND AT HIS EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
10. THE CONTRACTOR SHALL NOTIFY THE COUNTY ENGINEER 24 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION.

LOCATION OF EXISTING SEWER, WATER OR GAS LINES, CONDUITS OR OTHER STRUCTURES ACROSS, UNDERNEATH, OR OTHERWISE ALONG THE LINE OF PROPOSED WORK ARE NOT NECESSARILY SHOWN ON THE PLANS, AND IF SHOWN ARE ONLY APPROXIMATELY CORRECT. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES (INCLUDING TEST PITS BY HAND IF NECESSARY) IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON PLANS. IF THERE APPEARS TO BE A CONFLICT, OR UPON THE DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS. FOR ASSISTANCE CALL "MISS UTILITY" 1-800-552-7001.
11. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY THE CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO LIKE-NEW CONDITION.
12. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL DITCHES, PIPES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER, THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURES IN OPERABLE CONDITION.
13. THE CONTRACTOR SHALL COORDINATE WITH NCT THE REQUIREMENTS FOR AREAS AND LIMITS OF OVERHEAD AND/OR UNDERGROUND ELECTRICAL SERVICE.
14. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE (1) FULL YEAR FROM THE DATE OF ACCEPTANCE.

THE CONTRACTOR SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE IN A WEATHER PROOF CONTAINER AT ALL TIMES WHEN WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY COUNTY INSPECTORS.
15. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE IN WHICH IT IS TO BE PERFORMED.
16. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.
17. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERCEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.
18. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO INSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.
19. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO THE BEGINNING ANY MATERIALS ORDERING, FABRICATION OR CONSTRUCTION WORK ON THIS PROJECT. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNERS ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES.
20. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD WORKING QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS, ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.
22. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF THE LOCAL BUILDING CODE.
23. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH NCT FOR APPROVAL.
24. ALL WORK SHALL BE ACCOMPLISHED IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES OR ORDINANCES. THE MOST STRINGENT CODE WILL APPLY IN THE CASE OF DISCREPANCIES OR DIFFERENCES IN THE CODE REQUIREMENTS.
25. ANY DAMAGE TO ADJACENT PROPERTIES WILL BE CORRECTED AT THE CONTRACTORS EXPENSE.
26. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES WITHIN CONSTRUCTION LIMITS PRIOR TO CONSTRUCTION.
27. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL CHANGES, SUBSTITUTIONS BETWEEN WORK AS SPECIFIED AND INSTALLED AND RECORD CHANGES ON A CLEAN SET OF CONTRACT DRAWINGS WHICH SHALL BE TURNED OVER TO THE NCT CONSTRUCTION MANAGER UPON COMPLETION OF PROJECT.
28. THE CONTRACTOR SHALL COORDINATE THE CONSTRUCTION STAGING AREA WITH THE PROPERTY OWNER AND NCT WELL IN ADVANCE OF THE CONSTRUCTION START DATE.
29. CONTRACTOR IS TO FIELD VERIFY ALL EXISTING CONDITIONS AND PLAN DIMENSIONS, AND NOTIFY THE ARCHITECT AND ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.
30. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE WORK SITE ON A DAILY BASIS.



NATIONAL COMMUNICATION
TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS		
NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

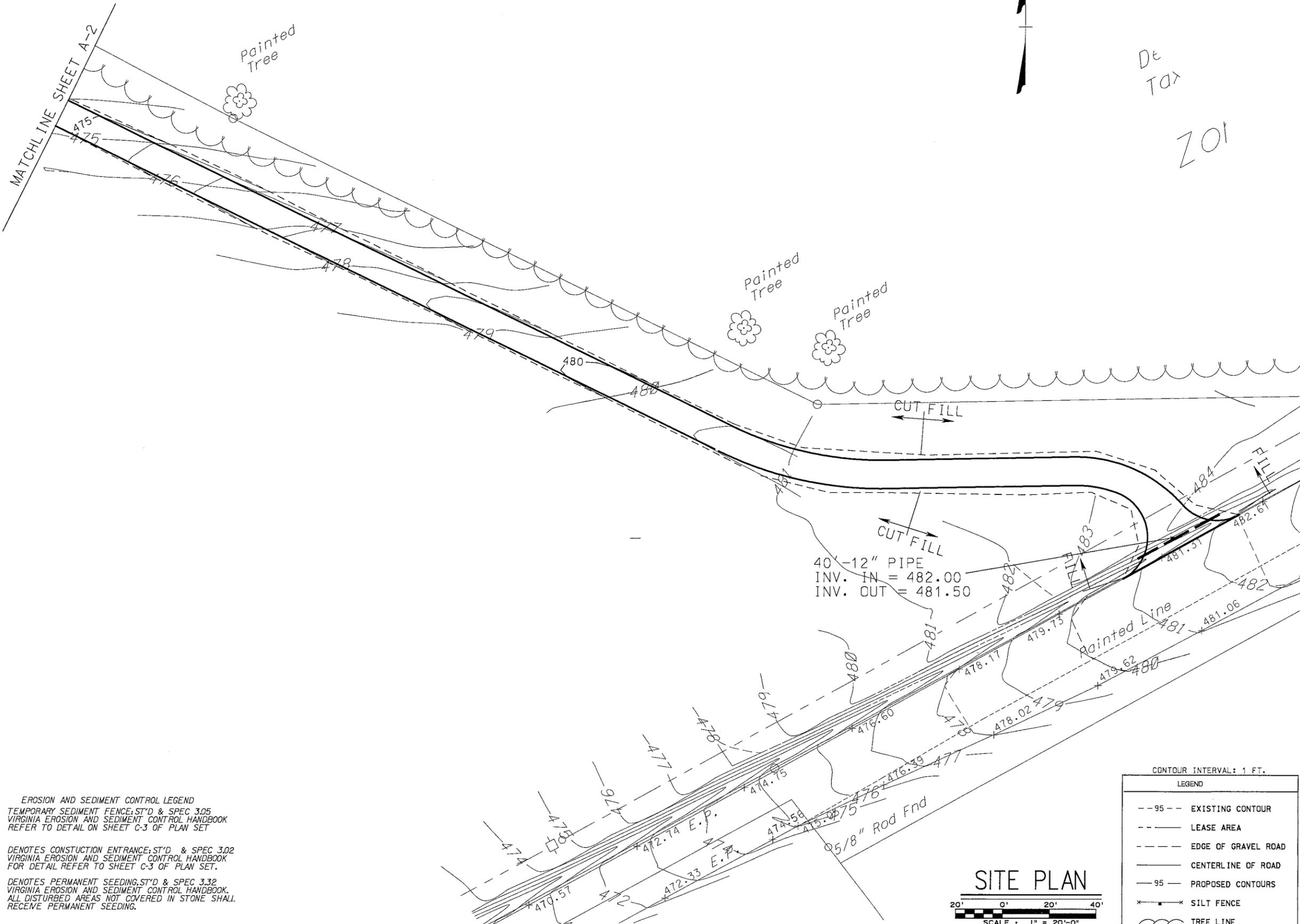
WEST RIVER ROAD
(RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: SBW
DRAWN: COT

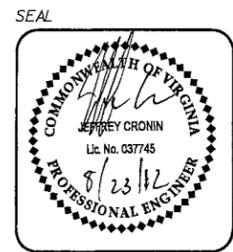
SHEET TITLE

GENERAL NOTES
T-2



De
Tar
Z01

JMT
JOHNSON, MURMIRAN & THOMPSON
 Engineering A Brighter Future
 9201 Arboretum Parkway Suite 140
 Richmond, Virginia 23236
 Phone (804) 323-9900
 Fax (804) 323-0596



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 5413 PATTERSON AVE, SUITE 101
 RICHMOND, VA 23226
 804-366-1165

REVISIONS		
NO.	DATE	ISSUE
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PROJECT NAME
ROCKFISH CREEK SITE
WEST RIVER ROAD
(RTE 6)
FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

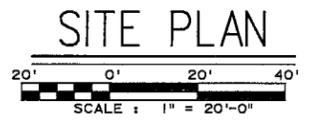
DATE: 8/23/12
 SCALE: AS SHOWN
 DESIGNED: J.C.
 CHECKED: J.C.
 DRAWN: COT

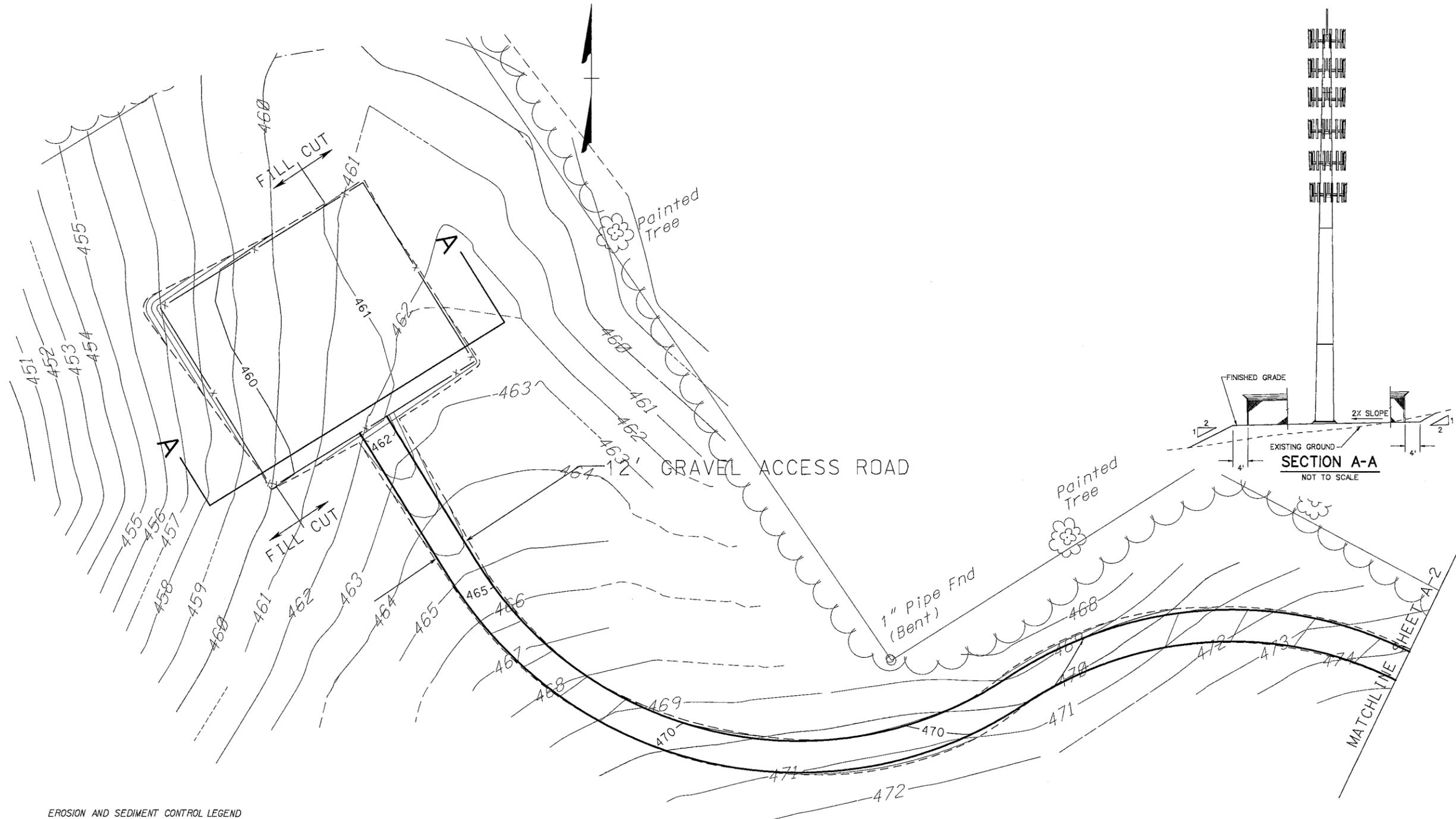
SHEET TITLE
GRADING
SITE PLAN
 A-1

EROSION AND SEDIMENT CONTROL LEGEND
 (SF) TEMPORARY SEDIMENT FENCE, ST'D & SPEC 3.05
 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK
 REFER TO DETAIL ON SHEET C-3 OF PLAN SET
 (CE) DENOTES CONSTRUCTION ENTRANCE, ST'D & SPEC 3.02
 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK
 FOR DETAIL REFER TO SHEET C-3 OF PLAN SET.
 (PS) DENOTES PERMANENT SEEDING, ST'D & SPEC 3.32
 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.
 ALL DISTURBED AREAS NOT COVERED IN STONE SHALL
 RECEIVE PERMANENT SEEDING.

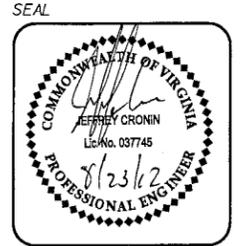
CONTOUR INTERVAL: 1 FT.

LEGEND	
-- 95 --	EXISTING CONTOUR
---	LEASE AREA
- - - -	EDGE OF GRAVEL ROAD
—	CENTERLINE OF ROAD
- 95 -	PROPOSED CONTOURS
—+—+—	SILT FENCE
~ ~ ~	TREE LINE





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PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD
(RTE 6)

FLUVANNA COUNTY
 CUNNINGHAM DISTRICT
 VIRGINIA

DATE: 8/23/12

SCALE: AS SHOWN

DESIGNED: J.C.

CHECKED: J.C.

DRAWN: COT

SHEET TITLE

GRADING
 SITE PLAN

A-2

- EROSION AND SEDIMENT CONTROL LEGEND**
- (SF) TEMPORARY SEDIMENT FENCE, ST'D & SPEC 3.05 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK REFER TO DETAIL ON SHEET C-3 OF PLAN SET
 - (CE) DENOTES CONSTRUCTION ENTRANCE, ST'D & SPEC 3.02 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK FOR DETAIL REFER TO SHEET C-3 OF PLAN SET.
 - (PS) DENOTES PERMANENT SEEDING, ST'D & SPEC 3.32 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. ALL DISTURBED AREAS NOT COVERED IN STONE SHALL RECEIVE PERMANENT SEEDING.

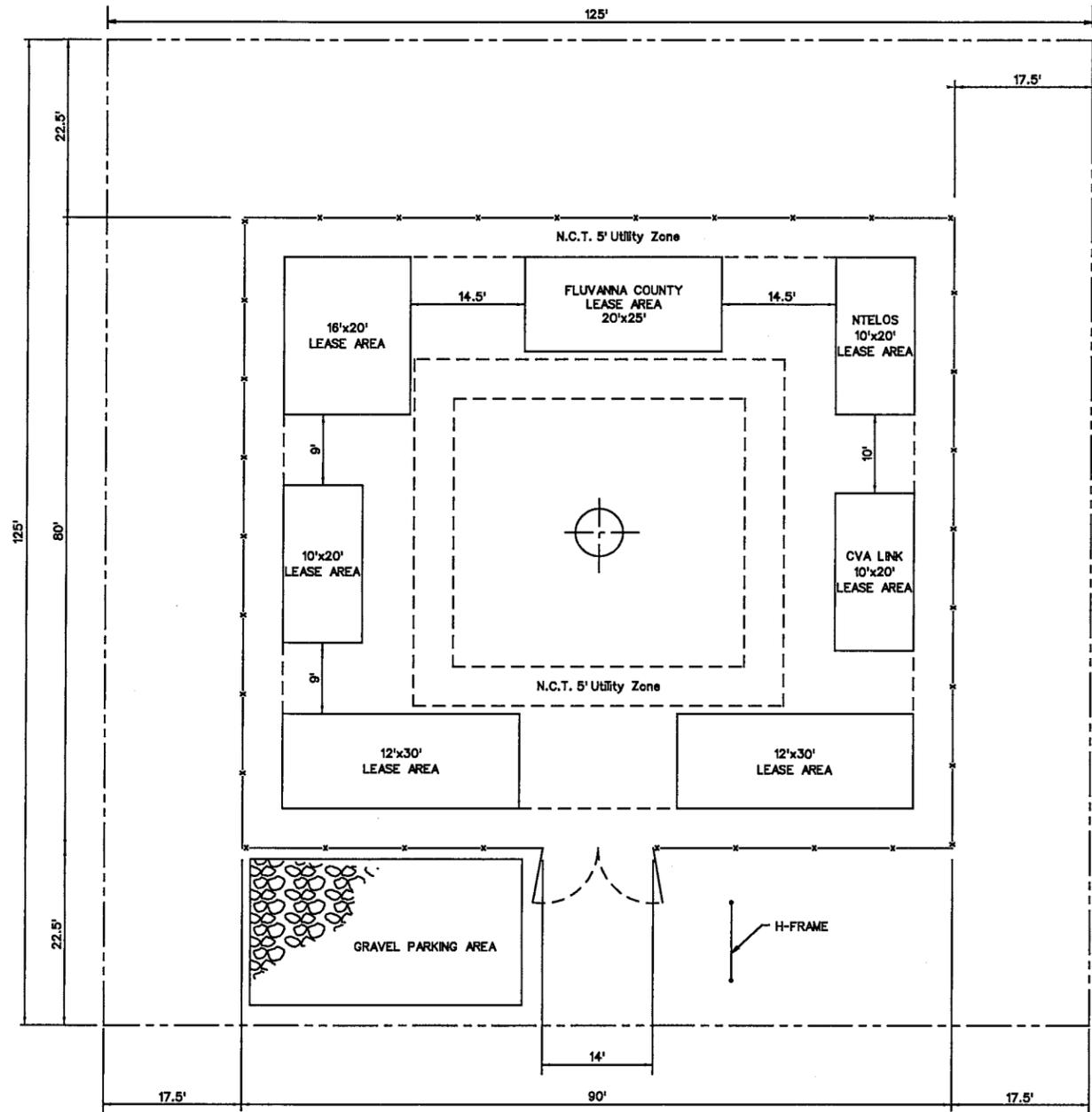
FEATURE	QUANTITY ESTIMATE	COST ESTIMATE
SILT FENCE	185 LINEAR FEET	185 LF x \$4.50/LF = \$833
CONSTRUCTION ENTRANCE	1 EA	1 EA x \$1000/EA = \$1000
SEED AND STRAW	4233 SQ FT = 470 SY	470 SY x \$1.10/SY = \$517
TOTAL		\$2350

AREAS OF DISTURBANCE	
NEW ACCESS ROAD TO FENCE	12'x900' = 10800 SQ FEET
COMPOUND AREA	80'x80' = 6400 SQ FEET
CUT AND FILL SLOPES	4233 SQ FEET
TOTAL	21433 SQ FEET

CONTOUR INTERVAL: 1 FT.

LEGEND	
---95---	EXISTING CONTOUR
---	LEASE AREA
- - - - -	EDGE OF GRAVEL ROAD
—	CENTERLINE OF ROAD
—95—	PROPOSED CONTOURS
x x x	SILT FENCE
⌢	TREE LINE



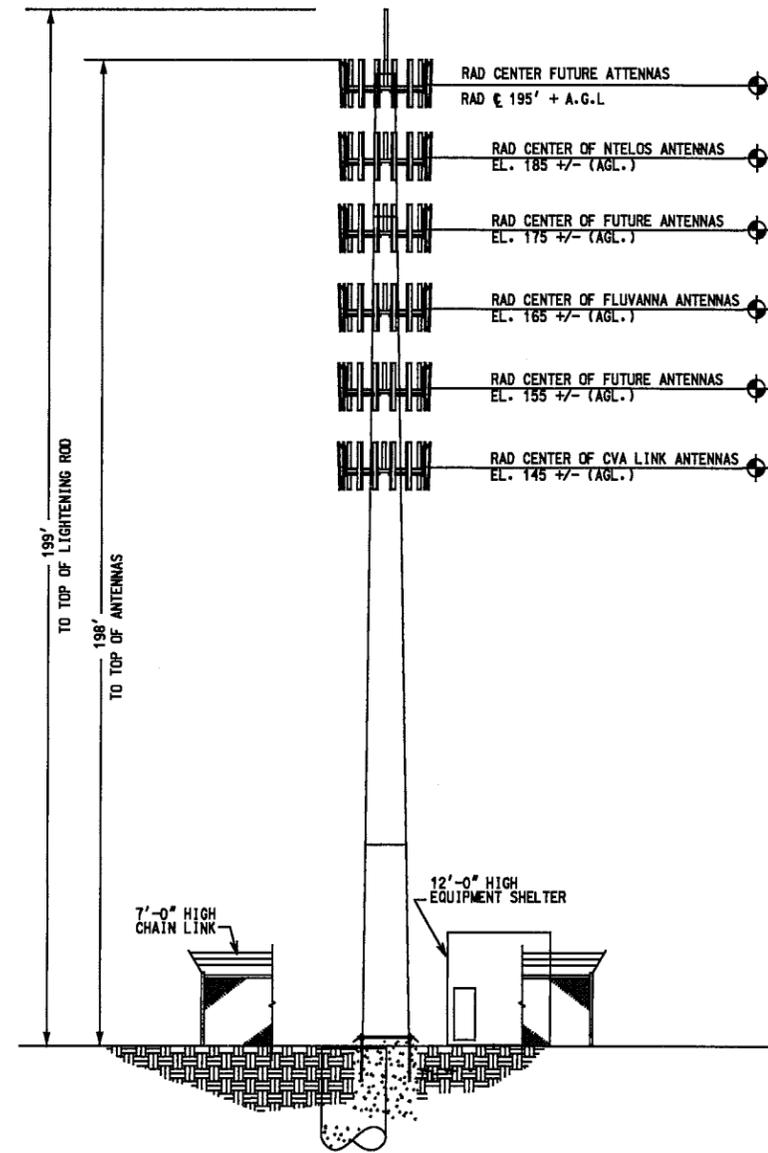
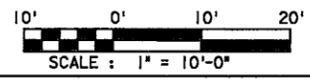


NOTES:

1. 195' MONOPOLE TOWER.
2. MAX. HEIGHT TO BE 199'.
3. TOWER WILL NOT BE LIGHTED.
4. TOWER COORDINATES
LATITUDE: N 37° 47' 46.68"
LONGITUDE: W 78° 22' 32.82"
5. TOWER DESIGN FOR A MINIMUM OF 6 CARRIERS.
6. NO HABITABLE STRUCTURES ALLOWED WITHIN LEASED PREMISES.
7. FACILITY CONSTRUCTION STANDARDS SHALL MEET OR EXCEED APPLICABLE U.S. AND ANSI HEALTH AND SAFETY STANDARDS.
8. NO ADVERTISING SHALL BE ALLOWED ON TOWER OR WITHIN LEASED PREMISES OR WITHIN ACCESS/UTILITY EASEMENT.

RF MAP						
TOWER USER	NUMBER OF ANTENNA	TYPE OF ANTENNA	BOTTOM ANTENNA HT.	ANTENNA LENGTH	TOP ANTENNA HT.	SEPARATION TO ABOVE

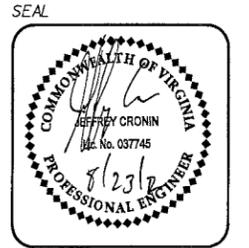
COMPOUND LAYOUT PLAN



TOWER ELEVATION

NOT TO SCALE

JMT
JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
 9201 Arboretum Parkway Suite 140
 Richmond, Virginia 23236
 Phone (804) 323-9900
 Fax (804) 323-0596



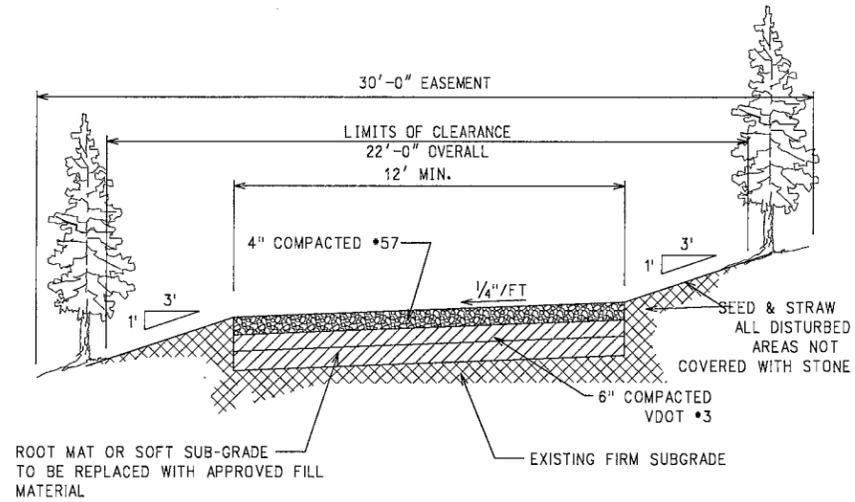
NATIONAL COMMUNICATION
 TOWERS, LLC
 5413 PATTERSON AVE, SUITE 101
 RICHMOND, VA 23226
 804-366-1165

REVISIONS		
NO.	DATE	ISSUE
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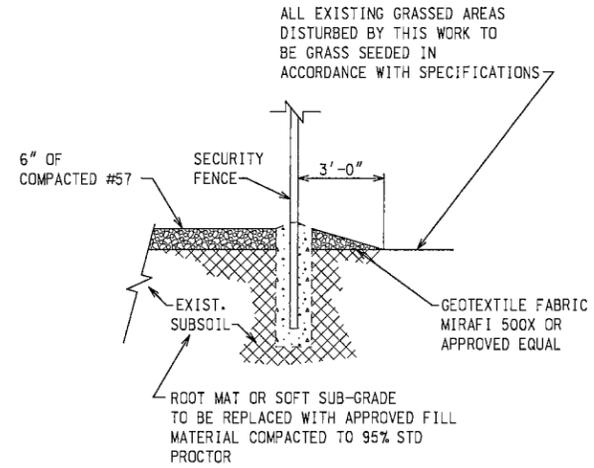
PROJECT NAME
ROCKFISH CREEK SITE
 WEST RIVER ROAD
 (RTE 6)
 FLUVANNA COUNTY
 CUNNINGHAM DISTRICT
 VIRGINIA

DATE: 8/23/12
 SCALE: AS SHOWN
 DESIGNED: J.C.
 CHECKED: J.C.
 DRAWN: COT

SHEET TITLE
**COMPOUND LAYOUT
 &
 TOWER ELEVATION
 A-3**



SECTION B-BTHROUGH STONE AGGREGATE ACCESS ROAD
NOT TO SCALE



STONE APRON DETAIL
NOT TO SCALE

JMT
JOHNSON, MIRMIRAN & THOMPSON
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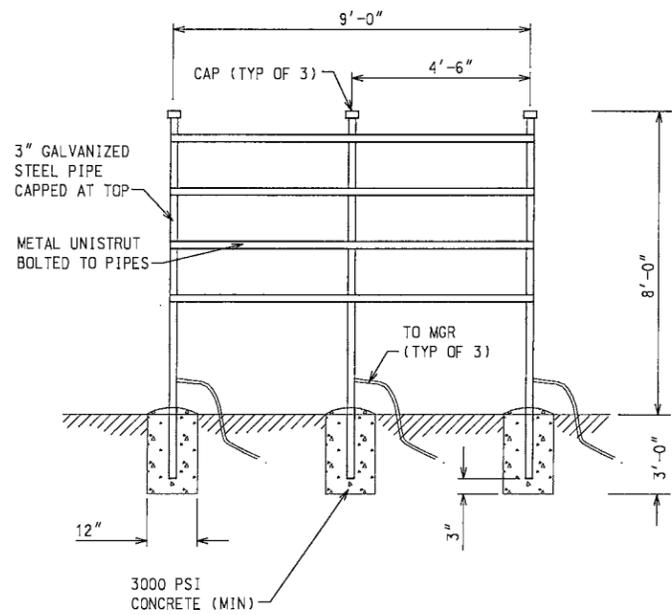
PROJECT NAME

ROCKFISH CREEK SITE
 WEST RIVER ROAD
 (RTE 6)
 FLUVANNA COUNTY
 CUNNINGHAM DISTRICT
 VIRGINIA

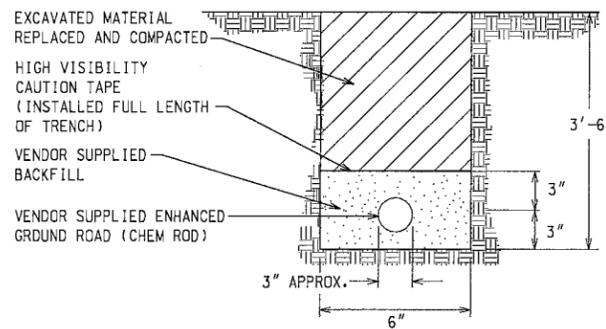
DATE: 8/23/12
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 DESIGNED: J.C.
 CHECKED: J.C.
 DRAWN: COT

SHEET TITLE

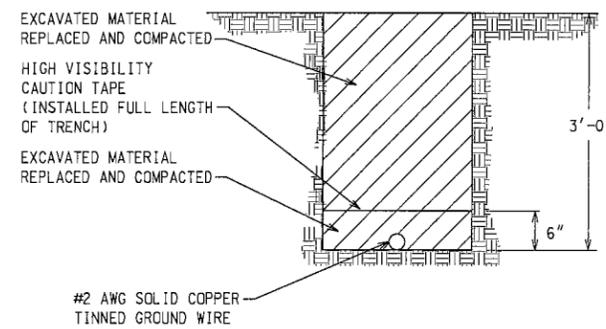
CIVIL NOTES
 &
 DETAILS
 C-1



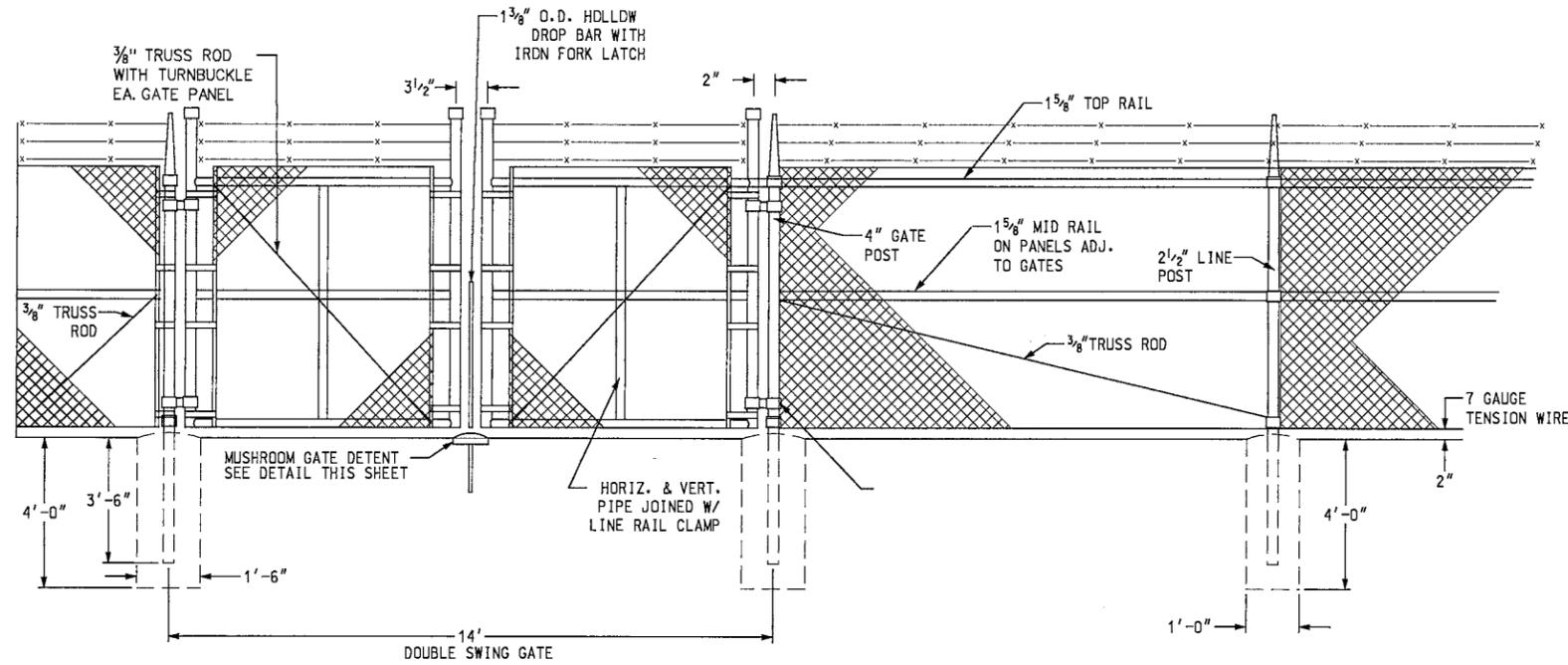
H-FRAME ELEVATION
 NOTES:
 1. NCT TO COORDINATE WITH TENANTS AND UTILITY COMPANIES FOR SERVICE ATTACHMENTS
 NOT TO SCALE



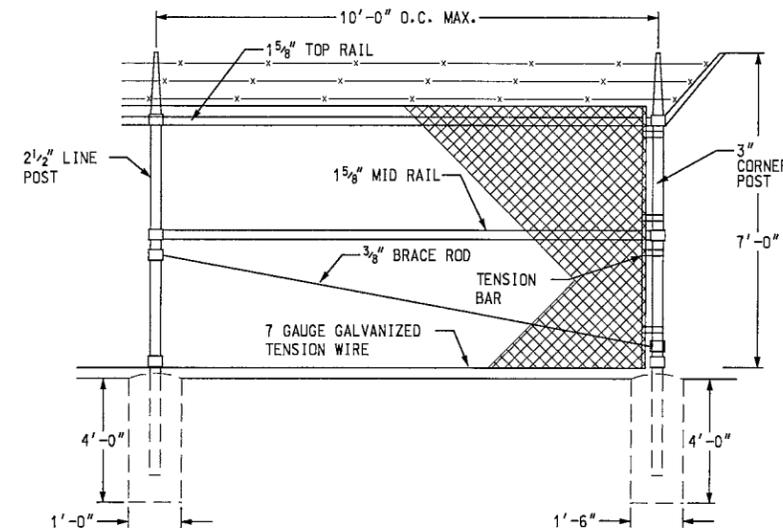
MGR TRENCHING DETAIL- CHEM ROD
 NOT TO SCALE



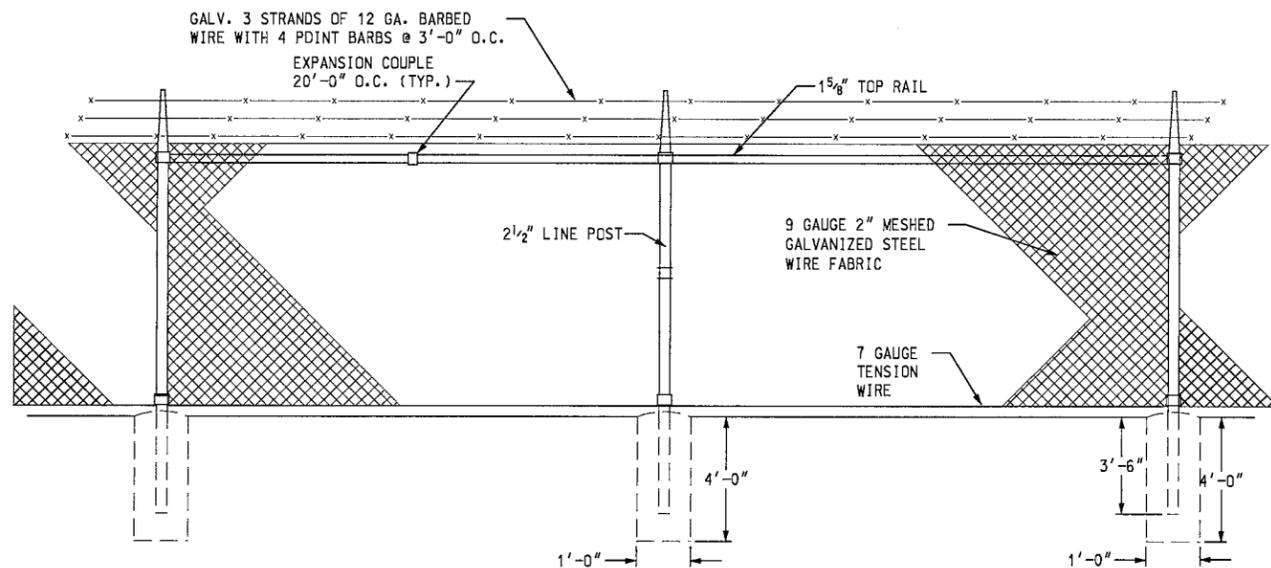
MGR TRENCHING DETAIL- GROUND WIRE
 NOT TO SCALE



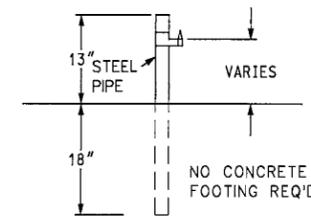
GATES AND ADJACENT PANELS
NOT TO SCALE



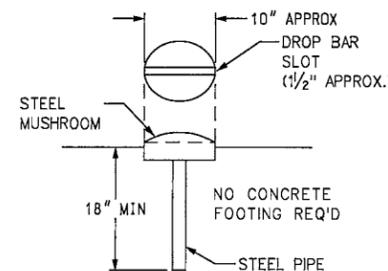
CORNER PANEL
NOT TO SCALE



LINE PANELS
NOT TO SCALE



GATE STOP/KEEPER DETAIL
NOT TO SCALE



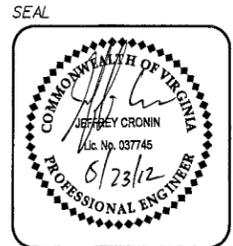
MUSHROOM TYPE GATE DETENT DETAIL
NOT TO SCALE

FENCE MATERIALS SCHEDULE				
ITEM	GATE PANELS	PANELS ADJACENT TO GATES	CORNER PANELS	LINE PANELS
1 5/8" SCH. 40 TOP RAIL	X	X	X	X
1 5/8" SCH. 40 MID RAIL	X	X	X	
1 5/8" SCH. 40 BOTTOM RAIL	X			
3/8" TRUSS ROD		X	X	
3/8" TRUSS ROD WITH TURN BUCKLE	X			
7 GAUGE TENSION WIRE		X	X	X
POSTS (OD, SCH 40)		4"	3"	2 1/2"

NOTES:

- CONTRACTOR TO PROVIDE PROGRAMMABLE COMBINATION LOCK (4 TABS). COMBINATION TO BE SET BY TOWER OWNER
REFERENCES - FEDERAL SPECIFICATIONS/FSC RR-F-191J (7/22/81)
- A. ASTM A-120 ZINC COATED STEEL PIPE
B. ASTM A-392 ZINC COATED STEEL CHAIN LINK FABRIC
C. ASTM A-780 REPAIR OF HOT DIP GALVANIZED COATINGS
D. ASTM F-552 STANDARD DEFINITION OF TERMS RELATING TO CHAIN LINK FENCES
- QUALITY ASSURANCE
A. ALL STEEL MATERIALS UTILIZED IN CONJUNCTION WITH THE SPECIFICATION SHALL BE HOT DIP GALVANIZED OR STAINLESS STEEL. WEIGHT OF ZINC COATING ON THE FENCE FABRIC SHALL BE NOT LESS THAN 1.2 OUNCES PER SQ.FT. OF MATERIAL COVERED.
- CONTRACTOR TO SUPPLY CONCRETE FOR POST FOUNDATIONS
- ALL RAIL PIPE AND POSTS TO BE SCHEDULE 40
- GATE STOPS: 1 FOR EACH GATE PANEL, NO CONCRETE FOOTINGS REQUIRED.

JMT
JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
9201 Arboratum Parkway Suite 140
Richmond, Virginia 23236
Phone (804) 323-9900
Fax (804) 323-0596



NATIONAL COMMUNICATION
TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS

NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD
(RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12

SCALE: AS SHOWN

DESIGNED: J.C.

CHECKED: J.C.

DRAWN: COT

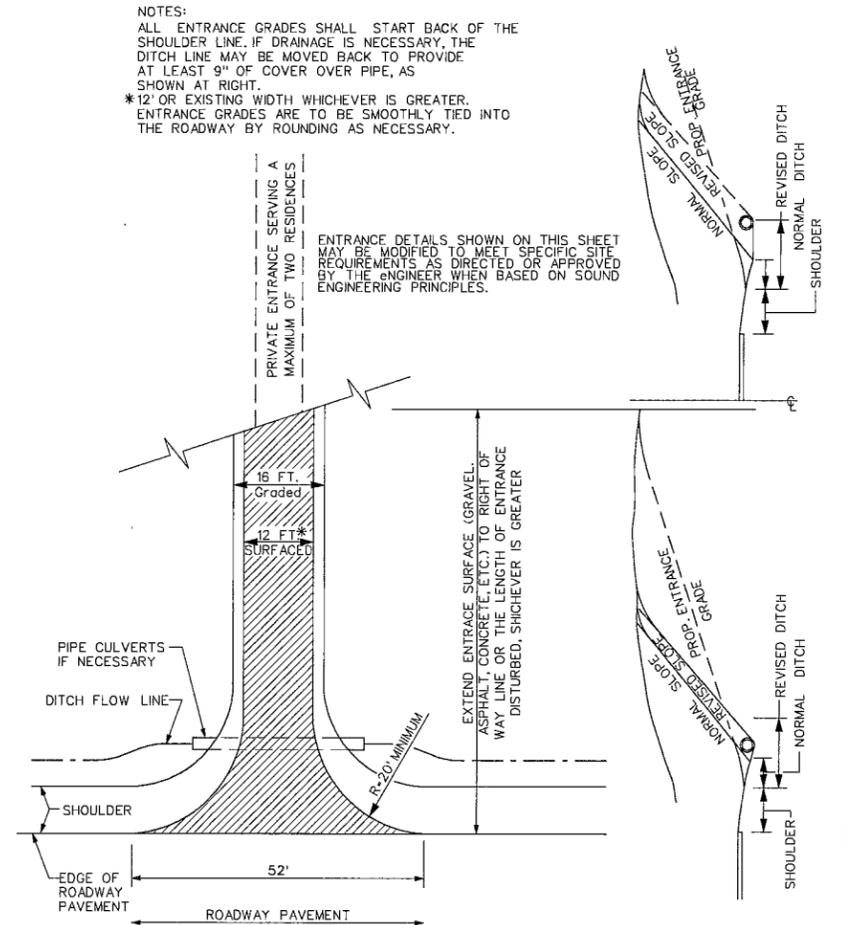
SHEET TITLE

FENCE NOTES
& DETAILS

VDOT STANDARD GENERAL NOTES
EFFECTIVE DATE January 1, 2007

1. All materials and construction within the public right of way shall be in accordance with current Virginia Department of Transportation's specifications, standards, current work area protection manual, and all applicable location and design instructional and informational memorandums.
2. Land Use Permit (CE-7) must be obtained from the Virginia Department of Transportation prior to beginning any construction within the existing state maintained right of way (including access).
3. VDOT is to receive written notification 48 hours prior to commencing with initial construction activities.
4. Prior to any construction, the contractor shall consult the engineer and verify the approval of the plans by all applicable federal, state and local agencies.
5. Preliminary design of the pavement structure for all subdivision streets shall be in accordance with the current edition of The Pavement Design Guide for Subdivision and Secondary Roads in Virginia. The completed design worksheet appendix IV shall be included with the initial plan submit for each proposed pavement section utilizing the predicted soil support value shown in appendix I of The Pavement Design Guide.
6. The contractor shall verify the elevations of all points of connection or proposed work to existing curbs, sanitary lines, water lines, etc., prior to construction.
7. Upon discovery of soils that are unsuitable for foundations, sub-grades, or other roadway construction purposes, the contractor shall immediately contact a geotechnical engineer and VDOT. These areas shall be excavated below plan grade as directed by a geotechnical engineer, backfilled with suitable material and compacted in accordance with current VDOT specifications.
8. All storm sewer design and construction to be in accordance with VDOT I & ILD-94 (D) 121.13.
9. All drainage structures shall be in accordance with current versions of LD-97 (D) 121. Pipe within the right of way shall be a minimum CL-III or greater in accordance with current VDOT standards and specifications.
10. All pre-cast units shall be VDOT approved. Certification and VDOT stamp will be required on all units. Shop drawings, Geotechnical data and soil bearing capacity, and plan view shall be submitted as package for VDOT review and approval.
11. All concrete shall be minimum class A3-AE (air entrained 3,000 PSI).
12. All entrances are to be designed and constructed in accordance with current VDOT standards. Residential lot access shall be provided per the following criteria:
 * All driveway entrance culverts are to be a minimum of 15" diameter x 20' long pipe and shall conform to PE-1 private entrance standards unless otherwise directed by the Resident Engineer. No entrance culverts are to be installed within five (5) feet of a property corner.
 * VDOT standard CG-9D entrances shall be installed in curb and gutter neighborhoods. Inspections to be performed by VDOT shall be requested in writing, 48 hours prior to entrance installation.
13. The developer is responsible for furnishing and installing all signs deemed pertinent to the proposed development. The contractor shall contact VDOT inspection staff to establish locations for any signage requirements as deemed necessary by VDOT. Installation of said signs shall occur at no expense to the state and prior to state acceptance of roadway(s).
14. Design changes, specified materials changes and/or field changes from the approved plans need to be re-submitted to VDOT prior to proceeding with the work. A letter of explanation shall accompany the revised plans and/or drainage calculations, which must be submitted to VDOT for review and approval by the Resident Engineer.
15. Contractor shall verify location and elevation of all underground utilities shown on plans in areas of construction prior to starting work. Contact engineer immediately if location or elevation is different from that shown on plan. If there appears to be a conflict, and/or upon discovery of any utility not shown on this plan, call Miss Utility at 1-800-552-7001. The developer shall be responsible for the relocation of any utility within existing and/or proposed right of way required by the development.
16. All streetlights shall be located a minimum of 9.5' from the edge of pavement on curb and gutter streets and/or located a minimum of 5.5' behind the ditch line on open ditch streets.
17. Generally, paved roadside ditches are to be specified when velocities exceed current VDOT design criteria or when ditch slopes are less than 0.75%. Where ditch slopes exceed 5.0%, the developer may choose to implement erosion and sediment control measures in an attempt to achieve channel stabilization while acknowledging that additional paved ditch linings may be required prior to acceptance of the roads into the secondary system of state highways. Paved roadside ditches shall conform to VDOT-PG-2A standards and specifications.
18. VDOT and County approval of construction plans does not preclude the right to require additional facilities as deemed necessary for acceptance of the roads into the VDOT Secondary Road System.
19. VDOT approval of site plans will expire five (5) years from the date of the initial approval. VDOT approval of subdivision plans will expire three (3) years from the date of the initial approval.
20. VDOT shall have performed the required field inspection (proof roll) prior to placement of the aggregate base course(s). Contact VDOT, in writing, for subgrade inspection 48 hours prior to scheduling placement of aggregate base course(s).
21. A prime coat seal between the aggregate base and bituminous concrete will be required at a rate of 0.30 gallons per square yard (REC-250 Prime Coat) per VDOT standards and specifications.
22. The scheduling of aggregate base installation and subsequent paving activities shall accommodate forecast weather conditions per Section 315 of The Road and Bridge Specifications.
23. VDOT shall have approved all base course(s) for depth, template and performed the required field inspection (visual, proof roll, compaction or any additional as determined by VDOT inspector) prior to placement of any surface course(s). Contact VDOT, in writing, for inspection of the base course(s) 48 hours prior to application of the surface course(s).
24. An actual copy of the complete CBR report is to be submitted to VDOT in conjunction with final pavement designs. All pavement design recommendations shall be performed in accordance with the current edition of The Pavement Design Guide for Subdivision and Secondary Roads in Virginia.
25. A licensed geotechnical engineer shall ascertain cause and certify recommended method of repair for all pavement structural failures prior to state acceptance.
26. All vegetation and organic materials to be removed from the right of way limits prior to conditioning of the subgrade.
27. Dry gutter is not allowed in VDOT right of way.
28. The developer will be responsible for the design costs of any traffic signal installation and/or modification under an account receivable with VDOT.
29. The necessity and locations for additional VDOT standard underdrains to be determined at time of subgrade inspection.
30. Approval of a detailed construction sequencing/maintenance of traffic narrative for the work zone is a prerequisite for issuance of a Land Use Permit allowing access to and construction within VDOT maintained right-of-way.
31. VDOT shall be provided documentation by a licensed geotechnical engineer, certifying that all in-place pavements meet or exceed the approved pavement design thickness prior to state acceptance. The certifying documentation shall conform to VDOT specifications and the approved plans.
32. The establishment of a temporary vegetative cover is required on all denuded areas that are not to be fine graded for periods longer than 30 days.
33. No structure shall be constructed on state maintained rights of way unless said structures are shown on road construction plans approved by VDOT or covered by a VDOT Land Use Permit (or by a letter of intent from the Resident Engineer to issue said permit at the time of state acceptance).
34. The developer is responsible for contacting the Fredericksburg District Traffic Engineering section at 540-899-4300 for guardrail location and placement requirements.
35. A preconstruction meeting is required prior to undertaking any roadway construction activities. Developer or designee will contact Fredericksburg Residency, in writing, five working days in advance of anticipated construction start to establish date, time and location for preconstruction meeting. The primary function of the construction meeting will be to identify geotechnical parameters of proposed construction activities.
36. Existing pavement markings within state Right of Way are to be eradicated (all eradication scars shall be overlaid with surface mix or slurry seal *4).
 All new striping requires the use of Thermoplastic pavement markings. Contact District Traffic Engineering office at 540-899-4300 ten days prior to proceeding for striping layout.

37. A geotech report shall verify/approve stone depths prior to asphalt placement.
38. All construction debris, materials, dumpsters, etc shall be located outside the roadway prism prior to acceptance of the roads and shall be maintained outside the roadway prism within existing state routes.
39. Any landscaping, identification signs, lighting, etc. that may be indicated within the construction plans shall be for information purposes only. Non-standard items must be approved by separate submittal through the permitting process.



NOTE:
LENGTHS OF CULVERTS SHOWN ON ROAD PLANS FOR ENTRANCES ARE APPROXIMATE AND SHALL BE ADJUSTED TO OBTAIN ABOVE ROADWAY WIDTHS.

ENTRANCES IN FILL TO BE SAME AS ABOVE EXCEPT LOCATION OF CULVERT (WHEN NECESSARY).

STANDARD PRIVATE ENTRANCES

PE-1



NATIONAL COMMUNICATION TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS		
NO.	DATE	ISSUE
1	8/23/12	

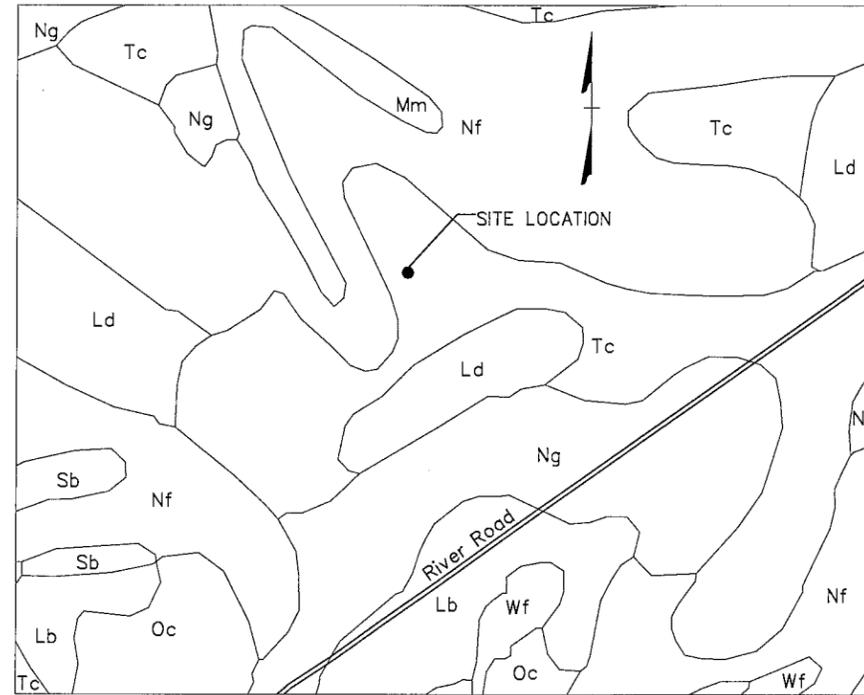
PROJECT NAME
ROCKFISH CREEK SITE
WEST RIVER ROAD
(RTE 6)
FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: J.C.
DRAWN: COT

SHEET TITLE

ENTRANCE REQUIREMENTS

C-3



FLUVANNA COUNTY VIRGINIA

SOIL TYPE:

- Tc Tatum Silt Loam, Undulating Phase
- Nf Nansum Silt Loam, Rolling Phase
- Ng Nansum Silt Loam, Undulating Phase



JOHNSON, MIRMIIRAN & THOMPSON
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 9201 Arboretum Parkway Suite 140
 Richmond, Virginia 23236
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SEAL



NATIONAL COMMUNICATION
 TOWERS, LLC
 5413 PATTERSON AVE, SUITE 101
 RICHMOND, VA 23226
 804-366-1165

REVISIONS

NO.	DATE	ISSUE
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PROJECT NAME

ROCKFISH CREEK SITE

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 CUNNINGHAM DISTRICT
 VIRGINIA

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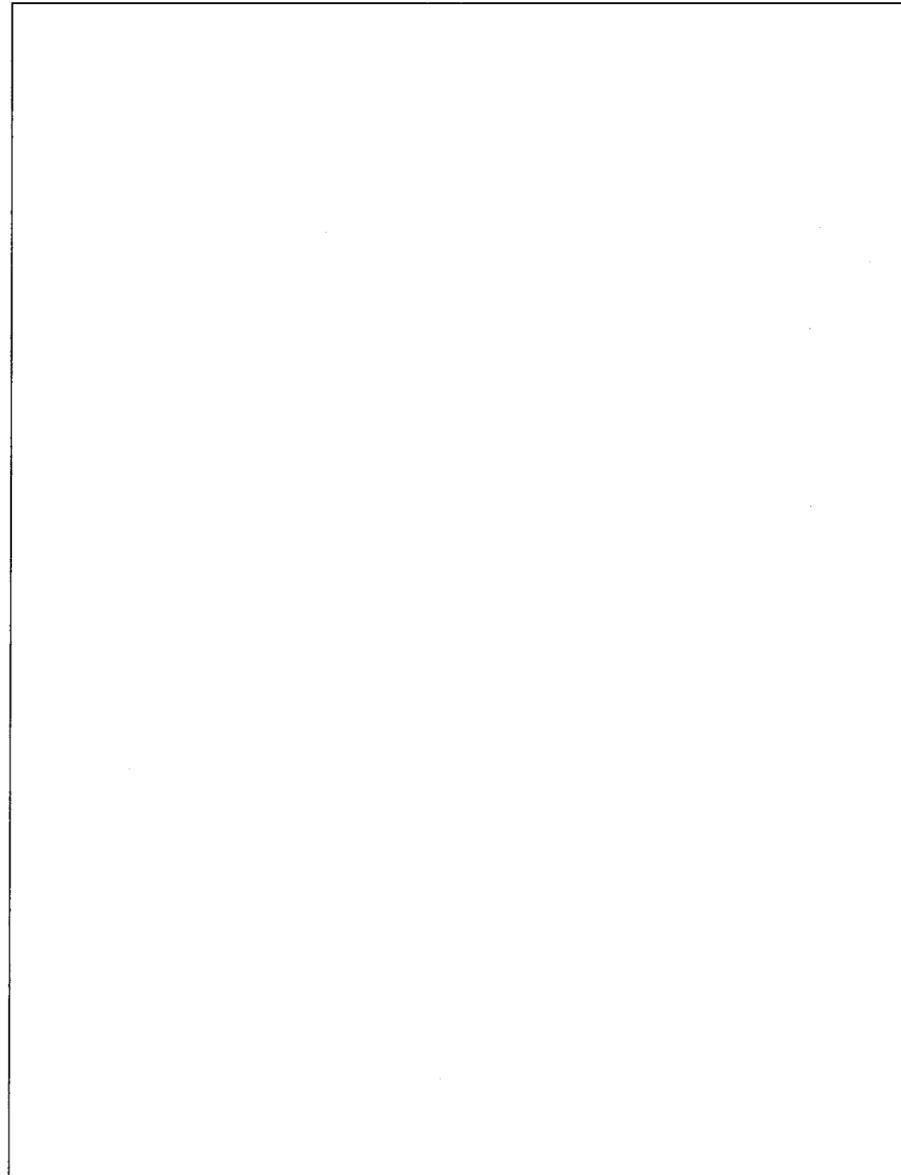
CHECKED: J.C.

DRAWN: COT

SHEET TITLE

SOIL MAP

C-4



JOHNSON, MIRMIRAN & THOMPSON
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REVISIONS

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PROJECT NAME

ROCKFISH CREEK SITE

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FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12

SCALE: AS SHOWN

DESIGNED: J.C.

CHECKED: J.C.

DRAWN: COT

SHEET TITLE

ZONING APPROVAL
&
CONDITIONS

SE-1

APPROVAL AND CONDITIONS

LEGAL DESCRIPTION - 30' Ingress/Egress & Utility Easement

BEGINNING at a point on the northern boundary of the right of way line of State Route No. 6, said point being 121.69 feet West of the intersection of the centerline of Rosewood Drive extended and the northern boundary of the right of way line of State Route No. 6, thence leaving the northern boundary of the right of way line of State Route No. 6 in a northwesterly direction along the centerline of a 30' Ingress/Egress and Utility Easement the following seven (7) courses and distances:

- 1) Along a curve to the left having a radius of 55.85 feet, a delta angle of 62°26'49" and an arc length of 57.90 feet to a point;
- 2) Thence N 89°00'00" W 80.39 feet to a point;
- 3) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 27°00'00" and an arc length of 70.03 feet to a point;
- 4) Thence N 64°00'00" W 312.23 feet to a point;
- 5) Thence along a curve to the left having a radius of 150.00 feet, a delta angle of 59°29'43" and an arc length of 155.76 feet to a point;
- 6) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 91°29'43" and an arc length of 239.53 feet to a point;
- 7) Thence N 32°00'00" W 42.29 feet to a point, said point being the terminus of the centerline of the 30' Ingress/Egress and Utility Easement.

LEGAL DESCRIPTION - Lease Parcel

BEGINNING at a point on the northern boundary of the right of way line of State Route No. 6, said point being 121.69 feet West of the intersection of the centerline of Rosewood Drive extended and the northern boundary of the right of way line of State Route No. 6, thence leaving the northern boundary of the right of way line of State Route No. 6 in a northwesterly direction along the centerline of a 30' Ingress/Egress and Utility Easement the following seven (7) courses and distances:

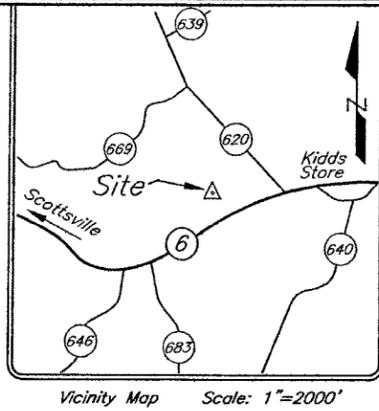
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- 5) Thence along a curve to the left having a radius of 150.00 feet, a delta angle of 59°29'43" and an arc length of 155.76 feet to a point;
- 6) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 91°29'43" and an arc length of 239.53 feet to a point;
- 7) Thence N 32°00'00" W 42.29 feet to a point, said point being the terminus of the centerline of the 30' Ingress/Egress and Utility Easement and the Actual Point and Place of Beginning of the Lease Parcel;

Thence continuing in a southwesterly direction the following five (5) courses and distances:

- 1) S 58°00'00" W 62.50 feet to a point;
- 2) Thence N 32°00'00" W 125.00 feet to a point;
- 3) Thence N 58°00'00" E 125.00 feet to a point;
- 4) Thence S 32°00'00" E 125.00 feet to a point;
- 5) Thence S 58°00'00" W 62.50 feet to a point, said point being the Point and Place of Beginning for the Lease Parcel, containing 0.3587 Acres, more or less.

N/F New Forestry, LLC
Deed Book 370, Page 317
Tax Map #39-A-28

Zoned: A-1

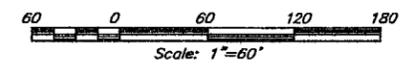


N/F New Forestry, LLC
Deed Book 370, Page 317
Tax Map #39-A-28
Zoned: A-1

Legend

⊕ Fire Hydrant	⊠ Vepco Pole
⊞ Handicap Parking Spaces	⊞ Vepco Transformer
⊞ Painted Parking Spaces (Reg.)	⊞ Field Survey Traverse Point
⊞ Water Meter	⊞ Misc Frame Sign
⊞ Water Valve	⊞ Hand-cap Parking Sign
⊞ Lamp Post (Metal Post w/light)	⊞ Irrigation Valve
⊞ Drainage Manhole	⊞ Yard Inlet (Drainage)
⊞ Sanitary Manhole	⊞ Concrete Surface
⊞ Cable T.V. Pedestal	⊞ RCP Reinforced Concrete Pipe
⊞ Verizon Telephone Pedestal	⊞ CMP Corrugated Metal Pipe
⊞ U/G Fiber Optic Marker	⊞ D.I. Drainage Inlet
⊞ Gas Valve	⊞ P.O.B. Point of Beginning

SURVEY PLAT SHOWING
A 30' INGRESS/EGRESS & UTILITY EASEMENT AND A 0.3587 ACRE LEASE PARCEL SITUATED ON THE NORTH LINE OF STATE ROUTE NO. 6 CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA
August 13, 2012



Shadrach & Associates, LLC
LAND SURVEYING
430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Fax: (804)379-9301

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.



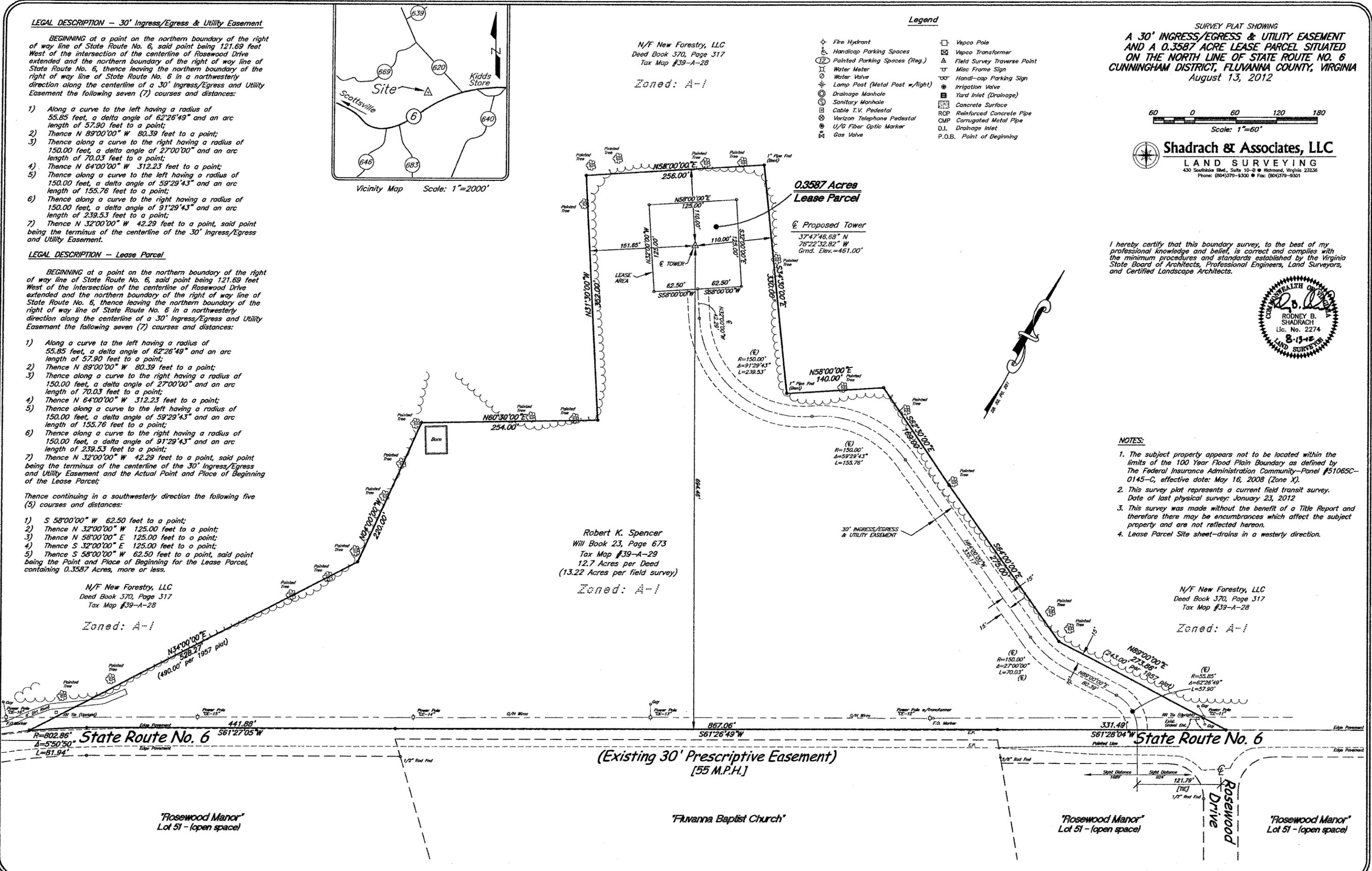
NOTES:

1. The subject property appears not to be located within the limits of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel #51065C-0145-C, effective date: May 16, 2008 (Zone X).
2. This survey plat represents a current field transit survey. Date of last physical survey: January 23, 2012
3. This survey was made without the benefit of a Title Report and therefore there may be encumbrances which affect the subject property and are not reflected hereon.
4. Lease Parcel Site sheet-drains in a westerly direction.

Robert K. Spencer
Will Book 23, Page 673
Tax Map #39-A-29
12.7 Acres per Deed
(13.22 Acres per field survey)
Zoned: A-1

N/F New Forestry, LLC
Deed Book 370, Page 317
Tax Map #39-A-28

Zoned: A-1



LEGAL DESCRIPTION - 30' Ingress/Egress & Utility Easement

BEGINNING at a point on the northern boundary of the right of way line of State Route No. 6, said point being 121.69 feet West of the intersection of the centerline of Rosewood Drive extended and the northern boundary of the right of way line of State Route No. 6, thence leaving the northern boundary of the right of way line of State Route No. 6 in a northwesterly direction along the centerline of a 30' Ingress/Egress and Utility Easement the following seven (7) courses and distances:

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- 3) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 27°00'00" and an arc length of 70.03 feet to a point;
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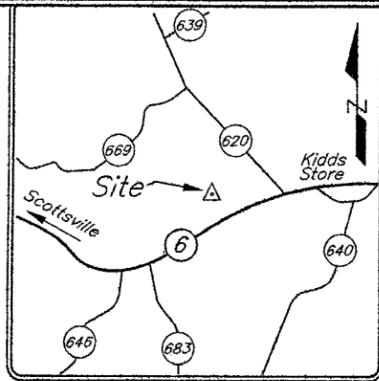
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N/F New Forestry, LLC
Deed Book 370, Page 317
Tax Map #39-A-28

Zoned: A-1



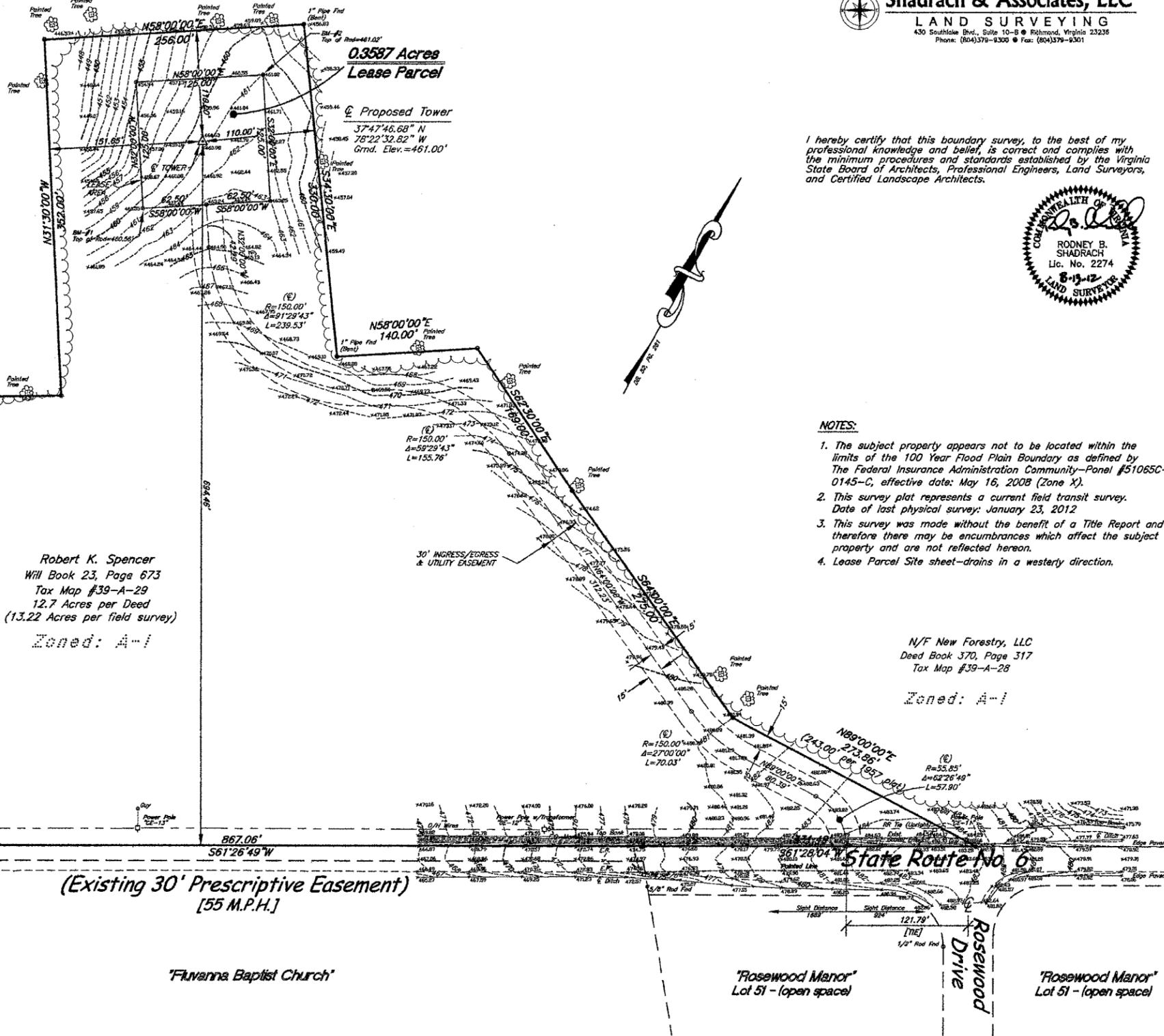
Vicinity Map Scale: 1"=2000'

N/F New Forestry, LLC
Deed Book 370, Page 317
Tax Map #39-A-28

Zoned: A-1

Legend

- ◆ Fire Hydrant
- Handicap Parking Spaces
- Ⓜ Painted Parking Spaces (Reg.)
- ⊕ Water Meter
- ⊕ Water Valve
- ⊕ Lamp Post (Metal Post w/light)
- ⊕ Drainage Manhole
- ⊕ Sanitary Manhole
- ⊕ Cable T.V. Pedestal
- ⊕ Verizon Telephone Pedestal
- ⊕ U/G Fiber Optic Marker
- ⊕ Gas Valve
- Vepco Pole
- ⊕ Vepco Transformer
- ⊕ Field Survey Traverse Point
- ⊕ Misc Frame Sign
- ⊕ Handi-cap Parking Sign
- ⊕ Irrigation Valve
- ⊕ Yard Inlet (Drainage)
- ⊕ Concrete Surface
- RCP Reinforced Concrete Pipe
- CMP Corrugated Metal Pipe
- D.I. Drainage Inlet
- P.O.B. Point of Beginning



Robert K. Spencer
Will Book 23, Page 673
Tax Map #39-A-29
12.7 Acres per Deed
(13.22 Acres per field survey)

Zoned: A-1

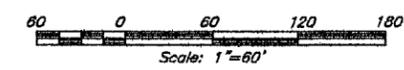
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AUGUST 13, 2012



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430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Fax: (804)379-9301

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.



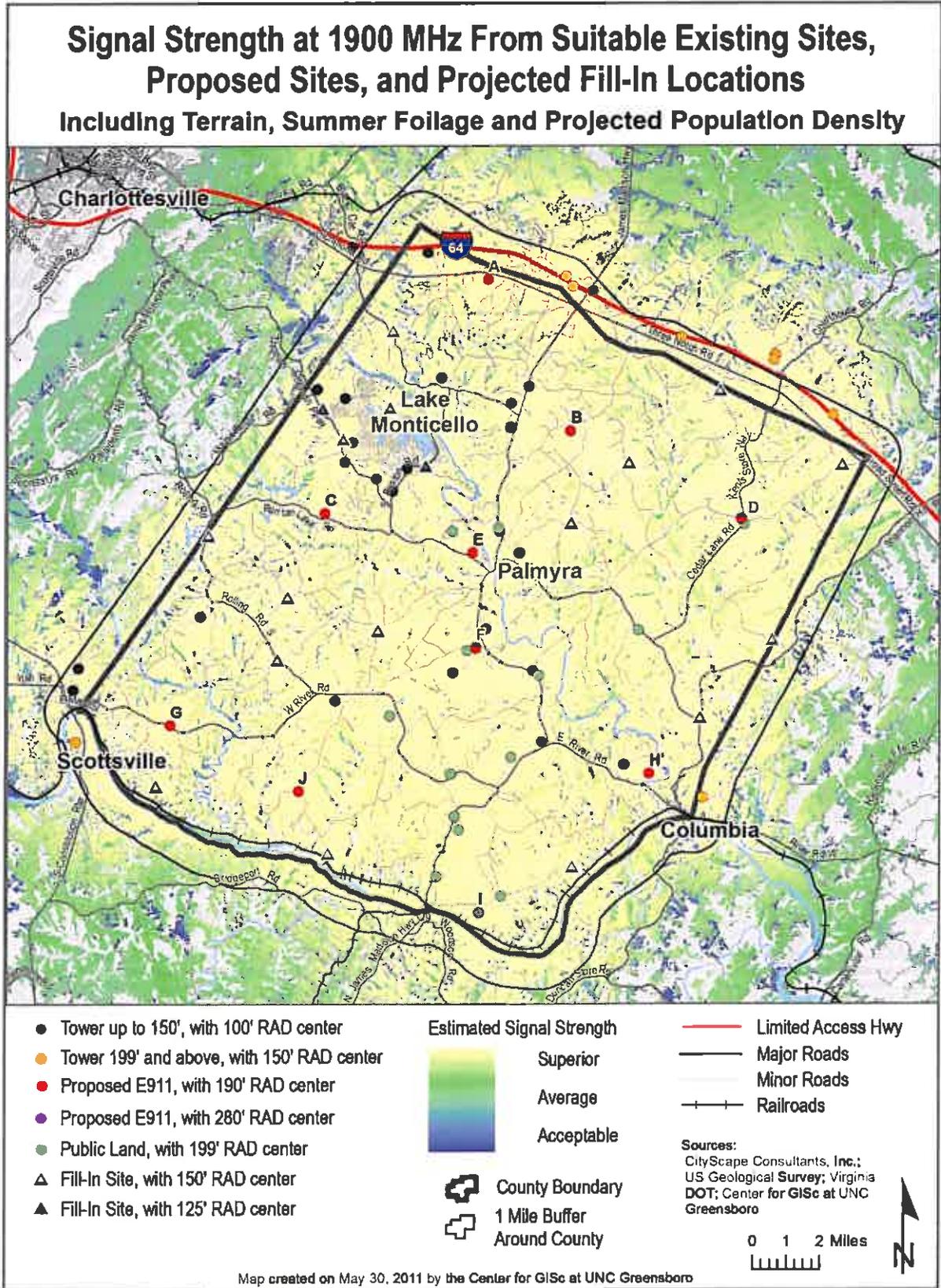


Figure 40: Projected new infrastructure infill sites



COUNTY OF FLUVANNA

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P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SUP 12:08
Tax Map: Tax Map 19, Section A, Parcels 77A

From: Steve Tugwell
District: Columbia
Date: October 24, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, October 24, 2012 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant: Jennifer D. Miller

Representative: Jennifer D. Miller

Requested Action: Request for a special use permit to allow for a commercial kennel and retail specialty store with respect to 6.0 +/- acres of Tax Map 19, Section A, Parcel 77A. The applicant is proposing to operate a commercial kennel and retail specialty store. (Attachment A)

Location: The affected property is located in the Columbia District on the west side of James Madison Highway (Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644) (Attachment B)

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Residential Planning Area

Existing Land Use: The parcel is approximately six (6) acres in size with a primary residence and private cemetery. (Attachment C)

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General.

Zoning History: The subject property was originally part of a larger lot that was subdivided earlier in 2012 (SUB 12:05) to its current six (6) acres.

Neighborhood Meeting:

With the exception of the applicant, one attendee came to the September 12, 2012 neighborhood meeting to learn more about this application.

Technical Review Committee:

At the September 13, 2012 Technical Review Committee meeting, the Health Department stated that an AOSE and/or Engineer must assess for a suitable site for kennel waste and submit the proposed system design to the Fluvanna County Health Department. EPA or DEQ may also be involved in the approval of the system to be installed for the kennel waste.

The Virginia Department of Transportation commented that due to the low volume of traffic associated with the proposed Commercial Kennel on Route 15, VDOT classifies the proposed entrance as a moderate volume commercial entrance and, as such, the minimum stopping sight distance allowed is less than the standard 610 feet intersection sight distance (exact distance depends on the percent of grade on Route 15). The commercial entrance will have to be paved a minimum of 20 ft. wide and have a minimum 25 ft. radii. VDOT will make a site visit and take a quick look at the entrance on Route 15 to see if it is obvious that it meets the minimum stopping sight distance requirement, if the determination of available stopping sight distance requires survey/engineering work it will be the responsibility of the landowner to verify the sight distance. If sight distance cannot be achieved on Route 15 and can be obtained on Route 644 (lower speed limit), then VDOT would approval would require closing the private entrance onto Rte. 15 and upgrading the existing private entrance onto Route 644.

Planning Staff inquired about the grooming aspect of the kennel, and whether or not a small home industry or other SUP may be more appropriate for this use. Planning Staff also inquired about the special events and retail aspects of this application that were mentioned in the applicant's business plan. (Attachment D).

Comprehensive Plan:

VISION 2009

The vision for Fluvanna County is based on key goals such as “preserving the rural character, promote economic development and protect individual property rights”. Protecting and preserving the rural character is essential as was expressed by Fluvanna citizens throughout the comprehensive planning process (see Appendix A in the Comprehensive Plan under the “2006 Planning Issues Survey”).

Analysis:

The applicant is proposing to operate a commercial kennel, with a variety of peripherally related services. The County's definition of a *commercial kennel* is “*a place designed and used to house, board, breed, handle, or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation*”. According to the application, the services associated with the kennel include overnight care, day care, in-home care, a gift shop, and special events. The issue of pet grooming came into question during the Technical Review

Committee meeting. Planning Staff has determined that the definition of a commercial kennel as it describes the “care” of such pets, is inclusive of the grooming, therefore an additional or separate special use permit is not required. With regard to the “gift shop” aspect of this application, the applicant amended her request on September 28, 2012 to include “retail specialty stores”. Retail specialty stores is defined as “A retail establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores”. The applicant is proposing to offer pet-related gifts and products for sale.

The location of the proposed kennel is a six (6) acre parcel situated between Route 15 (James Madison Highway), and Route 644 (Salem Church Road). The applicant’s primary residence is also on the property, and will allow for 24 hour staffing of the kennel facility. The kennel is proposed to be 30’ to 40’ x 40’ in size, and have 10 indoor/outdoor runs, and each “run” includes a “6ft x 6ft heated/air conditioned indoor space and a 6ft x 6ft outdoor space”. The applicant has stated that the kennel will be “engineered to mitigate noise and reduce stress on the dogs (which also reduces barking)”. The application further states, “Some of these designs include solid, insulated walls separating the runs, internal doors located off-center from one another to reduce eye contact, and solid, six-foot barriers separating outdoor runs”. The applicant has stated that the “special events” would “coordinate pet parties or any other special occasions, including adoption events on-site”. This business will employ one part-time employee, and according to the applicant, will refurbish one car about every two years. (Attachment E).

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The proposed location for the commercial kennel is a six (6) acre parcel situated between Route 15 (James Madison Highway) and Route 644 (Salem Church Road). Route 15 is a heavily traveled north-south corridor, and it’s traffic-generated noise levels may make potential noise levels generated by the kennel negligible. The parcel is bordered on the north by Salem Methodist Church, and to the south by St. James Church. According to the application, steps have been taken to insulate the potential noise levels that could be generated by the kennel by sound-proofing the dog-runs, fencing, and additional landscaping.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Small home industries and commercial kennels are allowed by SUP in the A-1 district. By-right uses that are similar, in operation or size of structures, to this application may include home occupations, equestrian facilities, farm sales, non-commercial greenhouses, and accessory dwellings. The zoning ordinance allows for one accessory dwelling unit per subject property, similar to locating the 30’ to 40’ x 40’ kennel on this parcel.

Sec. 22-1-2 of the zoning ordinance states that the purpose of the zoning ordinance is “to protect against over crowding of land”. Generally, commercial kennels are considered intensive uses, however given the size and location of this property, it is not anticipated to adversely impact neighboring properties. The applicant is applying to provide a service to the community by bringing a full-service commercial kennel to the area.

Conclusion:

The Planning Commission should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, dust, vibration, or visual clutter.

Recommended Conditions:

If approved Staff recommends the following conditions:

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
6. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Suggested Motion:

I move to recommend **approval/denial** of SUP 12:08, a special use permit request to allow for a commercial kennel and retail specialty store with respect to 6 acres of Tax Map 19, Section A, Parcel 77A, [if approved] subject to the conditions listed in the staff report.

Attachments:

- A – Application & APO Letter
- B – Sketch Plan and Aerial Map
- C - Zoning Map
- D – TRC Memos from the Health Dept. and Email from VDOT
- E – Business Plan and kennel sketch

Copy:

Applicant – Jennifer D. Miller, 17393 James Madison Highway, Palmyra, VA 22963

File

Received

AUG 31 2012



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Fluvanna County

Owner of Record: Jennifer D. Miller

Applicant of Record: Jennifer D. Miller

E911 Address: 17393 James Madison Hwy

E911 Address: 17393 James Madison Hwy

Phone: 434-589-4260 Fax:

Phone: 434-589-4260 Fax:

Email: fermiller50@hotmail.com

Email: fermiller50@hotmail.com

Representative: Jennifer D. Miller

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 17393 James Madison Hwy

Phone: 434-589-4260 Fax:

Is property in Agricultural Forestal District? No Yes

Email: fermiller50@hotmail.com

If Yes, what district:

Tax Map and Parcel(s): 19-A-77A

Deed Book Reference: Deed Book 289, Page 43

Acreeage: 6.0+/- Zoning: A1

Deed Restrictions? No Yes (Attach copy)

Request for a SUP in order to: **Build/Operate Commercial Kennel** w/ retail store, specialty DM 9/25/12

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 8/28/12 Signature of Owner/Applicant: [Signature] Subscribed and sworn to before me this 28th day of Aug, 2012 Register # DM470

My commission expires: May 31, 2016 Notary Public: [Signature]

Certification: Date: Zoning Administrator:

DAWN M. CROOKER
Notary Public
Commonwealth of Virginia
348773
My Commission Expires May 31, 2016

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY	
Date Received: 8/31/12	Pre-Application Meeting: PH Sign Deposit Received: CK#246 Application #: SUP 12: 008
(\$800.00 fee plus mailing costs paid): CK#246	Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid:	
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:	\$5,500 w/Consultant Review paid:
Election District: Columbia	Planning Area: Rural Residential
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: October 1 st + 18 th	Advertisement Dates: November 8 th + 15 th
APO Notification: October 10, 2012	APO Notification: November 6, 2012
Date of Hearing: October 24, 2012	Date of Hearing: November 20, 2012
Decision:	Decision:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Applicant requests permission to construct/operate commercial kennel (approximately 40'x40') on property located at 17393 James Madison Highway. Property is approximately 6.0 acres (zoned A-1) with a residential home currently located on property. For further information on the size, layout, and location of proposed commercial kennel see attached kennel plans and property survey.

NECESSITY OF USE: Describe the reason for the requested change.

In accordance with Sec. 22-4-2.2 of the Code of the County of Fluvanna, commercial kennel facilities are permitted only upon approval of a special use permit. As such, applicant seeks approval of special use permit in order to construct and operate new commercial kennel business on property.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Commercial Kennels are often undesirable to neighbors, mainly do to noise. However, special care has been taken by the applicant in the planning of the kennel to mitigate these factors. The facility size, being only 10 indoor/outdoor runs, will have a significant an impact on lowering noise levels. Additionally, the property being located in a small valley surrounded by moderate-high levels of vegetation will also assist in mitigating noise. Noise will further be mitigated by utilizing landscaping methods and fencing. Internally, the kennel is also planned and engineered to mitigate noise and reduce stress on the dogs (which also reduces barking). Some of these designs include solid, insulated walls separating the runs, internal doors located off-center from one another to reduce eye contact, and solid, six foot barriers separating outdoor runs.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

Residents of the county often travel outside the county, mainly to Albemarle County, in order to board their dogs. This commercial kennel will bring a needed resource to the community. Additionally, the introduction of a new business into the community will also generate added income to the county.

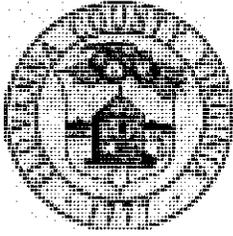
PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Please see attached plans, survey, and business plan.

Received

AUG 31 2012

Fluvanna County



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Jennifer D. Miller

Address: 17393 James Madison Hwy

City: Palmyra

State: VA

Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

[Handwritten Signature]
Applicant Signature

28 AUG 12
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP 12:008 ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*: CK# 246	Approximate date to be returned: December 2012

Memorandum

DATE: October 10, 2012
RE: APO'S for SUP 12:08 Public Hearing Letters
TO: Allyson Finchum
FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **October 24, 2012** Planning Commission meeting.



COUNTY OF FLUVANNA

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P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

NOTICE OF PUBLIC HEARING

October 10, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP»

Re: Public Hearing on SUP 12:08

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, October 24, 2012 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 12:08 – Jennifer D. Miller - *A request for a Special Use Permit (SUP) to allow for a commercial kennel and a retail specialty store with respect to 6.0+/- acres of Tax Map 19, Section A, Parcel 77A. The property is zoned A-1 (Agricultural, General) and is located on the west side of James Madison Highway (State Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.*

The applicant or applicant's representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me by phone at (434) 591-1910 or by email at stugwell@fluvannacounty.org.

Sincerely,

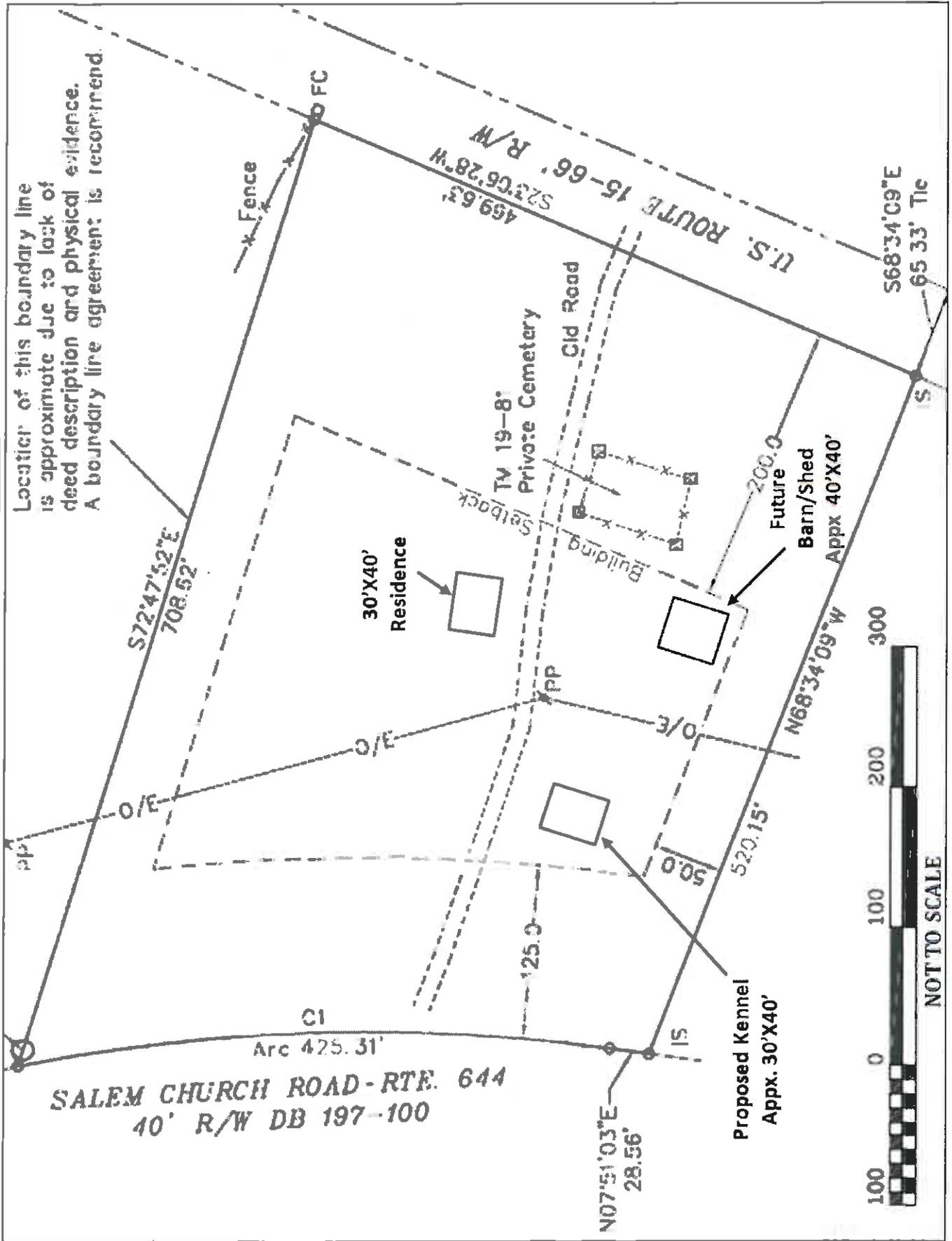
Steve Tugwell
Senior Planner

SUP 12-08 Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
19 A 79	SALEM METHODIST CHURCH	840 SALEM CHURCH RD	PALMYRA, VA	22963
19 A 80	SCOTT, EMMA C.	210 NINTH ST NW	CHARLOTTESVILLE, VA	22903
19 A 77A	MILLER, JENNIFER (APPLICANT)	17393 JAMES MADISON HWY	PALMYRA, VA	22963
19 1 4	BULLOCK, RYAN G ET AL	2225 LACOMBE AVE, APT 4D	BRONX, NY	10473
19 1 3	DELLINGER, STEVEN R & DEBRA A	17322 JAMES MADISON HWY	PALMYRA, VA	22963
30 A 119A	CSX TRANSPORTATION	500 WATER ST	JACKSONVILLE, FL	32202
19 A 76	ANDERSON, MARY ET AL	869 WILMONT LN	NEWPORT NEWS, VA	23608
19 A 77	WOOD, WILLIE & GLADIOLA D	1717 CORCORAN ST NW	WASHINGTON, DC	20009

Proposed Building Location

Location of this boundary line is approximate due to lack of deed description and physical evidence. A boundary line agreement is recommended.

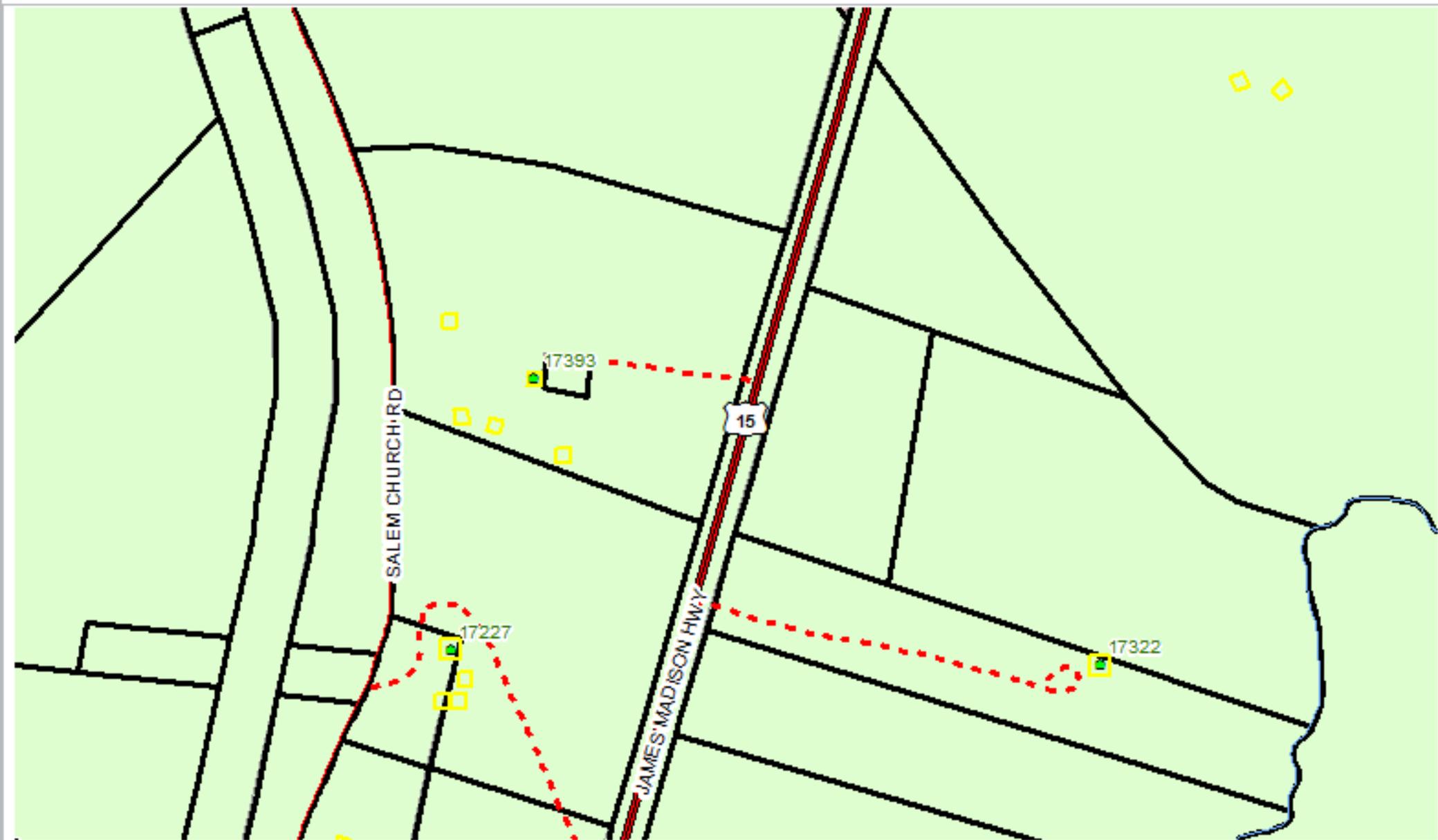


Property Overview (Aerial Photography – 2009)



Property Location (Aerial Photography – 2009)





Scale: 1:4513.988705

Date: 10/17/2012

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

MEMORANDUM

To: County of Fluvanna, Office of Planning and Community Development
From: Fluvanna County Health Department, Environmental Health Office
Date: September 13, 2012

- I. **SUP 12:08 – Jennifer D. Miller** - A request for a Special Use Permit (SUP) to allow for a Commercial Kennel with respect to 6.0+/- acres of Tax Map 19, Section A, Parcel 77A.

A copy of the Sewage Disposal Permit for the residence on this property is attached. An AOSE and/or Engineer must assess for a suitable site for kennel waste and submit the proposed system design to the Fluvanna County Health Department. EPA or DEQ may also be involved in the approval of the system to be installed for the kennel waste.

- II. **ZMP 12:01, Hotel Street Capital, LLC** - An ordinance to amend the Fluvanna County Zoning Map with respect to 232.0 acres of Tax Map 30, Section A, Parcel 110 and Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development).

Proposed connection to Palmyra sewage treatment facility.

Steven Tugwell

From: Wood, Mark (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Wednesday, September 19, 2012 1:58 PM
To: Steven Tugwell
Cc: Goodale, James E. (VDOT)
Subject: RE: TRC comments

Importance: High

Steve,

VDOT's September 13, 2012 TRC Meeting comments are as follows:

SUP 12:08 – Jennifer D. Miller (Tax Map 19-A-77A)

Due to the low volume of traffic associated with the proposed Commercial Kennel on Rte. 15, VDOT classifies the proposed entrance as a moderate volume commercial entrance and as such the minimum stopping sight distance allowed is less than the standard 610 feet intersection sight distance depending (exact distance depends on the percent of grade on Rte. 15). The commercial entrance will have to be paved, minimum 20 ft. wide and have a minimum 25 ft. radii. VDOT will make a site visit and take a quick look at the entrance on Rte. 15 to see if it is obvious that it meets the minimum stopping sight distance requirement, if the determination of available stopping sight distance requires survey/engineering work it will be the responsibility of the landowner to verify the sight distance. If sight distance cannot be achieved on Rte. 15 and can be obtained on Rte. 644 (lower speed limit), then VDOT would approval would require closing the private entrance onto Rte. 15 and upgrading the existing private entrance onto Rte. 644.

ZMP 12:01, Hotel Street Capital, LLC "WALKERS RIDGE" (Tax Map 30-A-110 & Tax Map 19-A-39C)

The TIA Scoping Meeting for Walkers Ridge was held on August 15, 2012. At this meeting VDOT requested that the developer's traffic engineer recount the traffic at the intersection of Rtes. 15/53 due to the changes in traffic associated with the August 2012 opening of the new Fluvanna County High School. Traffic counts were also requested at the intersection of Rtes. 15/616 due to the high volume of commuter traffic using Rte. 616. After the additional data is obtained, analyzed, and the traffic study is finalized, VDOT will review and approve/issue comments on the final traffic study. As noted at the scoping meeting, the proposed commercial entrance spacing shown on the concept plan appears to be out of compliance with VDOT's Access Management Regulations, some entrances may need to be removed, shifted, consolidated, etc.

J. Mark Wood, P.E., L.S.
Area Land Use Engineer
Virginia Department of Transportation
Land Development – South
P.O. Box 1017
11430 James Madison Highway
Troy, VA 22974
Phone: (434) 589-7932
Cell: (540) 223-5240
Fax: (434) 589-3967
Email: Mark.Wood@VDOT.Virginia.gov

Country Paws

Business Plan

November 01, 2011

17393 James Madison Hwy
Palmyra, VA 22963
434-589-4260
fermiller50@hotmail.com

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1. Executive Summary

Country Paws is a high-quality, personal pet services company. It is dedicated to consistently providing high customer satisfaction by rendering excellent service, quality pet care, and furnishing a fun, clean, enjoyable atmosphere at an acceptable price.

The timing is right for starting this new venture. Animals are playing a larger role in our lives and people are choosing to provide them with a good life. Loving families with active pets and an active conscience are in search of better lives for their pets and peace of mind for themselves, causing busy animal lovers to flock to an ever-growing number of animal care facilities across the nation. For customer convenience, in addition to overnight care, Country Paws will include day care, gift and pet specialty products, 24 hour service, and special requests, all in one facility.

Jennifer Miller, one of the owners/operators, has worked training and caring for foster pets over the last several years. Through these activities she has earned the trust and respect of dog owners throughout her community. Jen is active with a local non-profit organization, Animal Connections, and cares for/trains homeless animals until their forever homes can be found. She also often cares for pets of friends and family members. At any given time there have been three or more animals living in her home. From business colleagues to friends surveyed, Jen has what it takes to make this venture extremely successful. She will count on her reputation to exceed expectations while continuously establishing an active client base.

1.1 Mission

To provide superior animal care in a pet friendly atmosphere while ensuring customers, both pet and owner, receive excellent service in a playful, loving and safe environment.

1.2 Keys to Success

The keys to success in our business are:

- Superior Customer Service: 24 hour high quality care and service
- Environment: provide a clean, upscale, enjoyable environment conducive to giving professional, trusting service
- Location: provide an easily accessible location for customer convenience
- Reputation: credibility, integrity, and 100% dedication

2. Business Description and Vision

Country Paws is a new company that will provide personalized, high-quality animal care and products. The company will specialize in the following pet services:

- Overnight care
- Day care
- In-home care
- Gift shop
- Special events

What will set Country Paws apart from the competition is our commitment to provide quality, personal services that will enhance the lives of both pets and their owners.

2.1 Company Ownership

Country Paws will be created through the hard work and dedication of Jennifer Miller and Nicholas Lindsey, the company's principal owners and operators.

2.2 Start-up Summary

Total start-up costs will be fully financed through investments made by the owners/operators. Details are available upon request.

2.3 Company Locations and Facilities

This facility will be established on the owner's property, which includes a residence. The property is adjacent to a major highway near the town of Palmyra in the state of Virginia. The main service area will be the immediate area of Palmyra and Zion Crossroads, including Lake Monticello. Additionally, as no facility provides this type of service to the surrounding area, including the Charlottesville area, the business may also attract clients from outside the immediate area.

3. Products and Services

Country Paws will easily set itself apart from other animal service facilities that offer similar pet services. Unlike other pet boarding facilities in the surrounding area, Country Paws combines the safety and security of a traditional boarding facility with the personal attention of in-home care. The main attraction to our facility will be its focus on adding a personal touch. The operators of Country Paws understand that all dogs, as well as their owners, are different. As such, we offer specialized, personal attention in order to meet both their needs and desires

Although the focus of Country Paws will be its state-of-the-art boarding facility, the company will also generate revenue through the sale of pet supplies, including collars, leashes, homemade dog treats, beds, and toys. These items will also maintain the high quality standards of Country Paws, including dog treats made with healthy, human-grade ingredients. Specialized products, including monogrammed items and treats with specified ingredients for dogs with allergies, will also be available.

3.1 Product and Service Description

Country Paws will be considered an upscale, quality animal care facility. The company will offer a wide range of services, including:

- Overnight Care
 - Residence on property allows facility to provide 24-hour staffing
 - State-of-the-art Kennel Facility
 - Each run includes a 6ft x 6ft heated/air conditioned indoor space and a 6ft x 6ft outdoor space
 - In order to reduce cross-contamination which may lead to animal health issues:
 - each indoor run has its own air circulation system
 - each run has its own drainage system
 - Each individual indoor run, along with the entire facility, is sound proofed to reduce stress on animals
 - Each outdoor run has 6ft tall privacy panels to reduce noise, improve safety, and reduce animal stress.
 - As an architectural design, indoor run doors are staggered, preventing direct eye contact between animals, resulting in reduced animal stress
 - One price, no hidden fees. Included in price:
 - One day of boarding

- Choose a bed (choose which type of bed your animal prefers; including crate, toddler bed, or soft floor pillow bed)
 - Each dog, depending on socialization level, will either receive at least 3 playtimes or walks (morning, afternoon, evening) that will last at least 15 min each
 - Bath prior to scheduled pick-up
 - Free medicine administration
 - Sleep-over available at request (space limited) for older and special needs pets (animals are boarded/sleep in residence)
- Day Care:
 - Provide a fun, safe atmosphere for pets to spend the day exercising and enjoying the company of other pets
 - Each dog will receive at least 3 playtimes (morning, afternoon, evening) that will last at least 15 min each
 - Afternoon snack
- Gift Shop: Provide specialty pet-related gifts and products.
- Special Events: Coordinate pet parties or any other special occasions, including adoption events, on-site.
- Special Requests: Provide service for pets with special needs including, assisting with recovery from surgery, handicaps, etc.

3.2 Competitive Comparison

The competition comes in several forms. Below are some of the choices for pet care services in the area:

3.2.1 In-Home Pet Sitting Services

Many companies in the area offer some form of in-home care. In-home pet care services often involve individuals coming into a pet owners home while they are away. The amount of time dedicated to the pet will greatly affect the price of the service.

Having an individual stay in the home with a pet for 24-hours is the preferred form of pet sitting. A company staff member stays in the owners home while they are absent. Many people utilize this service as it allows their pet to stay in a familiar environment, reducing stress on the animal. However, this service is often more expensive than boarding a pet. Many owners also do not feel comfortable with this service due to the fact they are allowing a stranger to stay in their home unaccompanied. Given the choice, many owners would prefer to board their pet, but do not feel comfortable leaving their pets at the surrounding boarding facilities. As such, they choose to utilize these services only out of necessity.

Other, less expensive in-home services have company staff members visit an owner's home 1-3 times a day to exercise and feed a pet. The prices for these services range greatly but average \$10 per visit (including a 20-30 min walk). Again, customers favor this type of service because it allows the pet to stay in its own environment, reducing stress on the animal. However, once again, many customers do not feel comfortable with this service as they are allowing an unaccompanied stranger into their home. Additionally, many customers are not fond of the idea of leaving their pet alone for long periods of time with no way of knowing if the staff member is doing what was agreed upon. Owners often complain that, when utilizing these services, they arrive home to find their pet has no food or water. In spite of this, as owners dislike the surrounding boarding kennels and they are unable to afford 24-hour in-home care, they continue to utilize this service.

3.2.2 In-Home Pet Boarding

In-home pet care services also include companies, or individuals, caring for a pet in the business owner's home. This type of pet care is one of the most popular choices. The pet stays in a home environment, often marketed as a "home away from home". As the price of this service is usually comparable to (if not less expensive) than the surrounding boarding facilities, it is a very popular choice. However, these pet services also come with disadvantages. Without realizing it, owners may be putting their animals in harm's way. Many of these businesses are not licensed and, therefore, are not regulated. The business owners are more often than not unaccustomed with having multiple dogs in their home. Therefore, the home does not have the proper security (e.g., fencing), business owners are not knowledgeable on animal behaviors, and there is no method available for isolating sick or special need animals. In contrast to an established boarding facility, many of these "businesses" are merely individuals who earn additional income by looking after other people's pets. Additionally, these businesses are limited by the pet's personality and the number and of pets they are able to care for at one time (usually only 5 trained and socialized animals at any time).

3.2.3 Boarding Facilities

There are very few licensed boarding facilities in the immediate Palmyra area. The boarding facilities that do exist are merely home-based businesses which are utilized by the owners for additional income. These facilities are extremely basic. The businesses have little-to-no marketing, are not easily accessible, and only provide fundamental pet care (food, water, shelter). However, there are several boarding facilities in the surrounding area, mainly located in the Charlottesville area. These facilities are as follows:

- Albemarle's Wakefield Kennel
 - \$17-24/dog/day
 - Kennel Runs:
 - 4ft x 4ft indoor runs
 - 4ft x 12ft outdoor runs
 - Limited Staff hours
 - Limited Grooming
 - Additional Charges:
 - Playtime: \$4.00/10 min session (max 3 sessions/day)
 - Nature Walk: \$7.50/15 min walk
 - Virtual Visitation: \$5.00/virtual visit (2 visits max)
 - Medication Administration: \$0.25/administration or \$3.00/injection
 - Preparing Food for Special Dietary Needs
 - Special Care for Geriatric Pets
 - Airport Pick-up/Drop-off
 - Bedding Options:
 - Sheet (provided by kennel): Free
 - Bring Own Bedding: \$0.50/day
 - Fleece Bedding (provided by kennel): \$0.75/day
 - Deluxe Bedding (provided by kennel): \$1.25/day



Deluxe Bedding



Indoor Runs



Outdoor Runs

- Dogg House
 - \$17-23/dog/day
 - Kennel Runs vary:
 - Penthouse Suite
 - Dogs less than 25lbs
 - 12 ft² indoor run only
 - 2 free shortened walks
 - Access to patio for 3-6hrs/day
 - Standard Rooms
 - Dogs 25-60lbs or 2 dogs less than 25lbs
 - 12 ft² indoor run
 - 24 ft² outdoor run
 - 2 free shortened walks
 - Deluxe Rooms
 - Dogs 60-100lbs or 2 dogs 25-60lbs
 - 16 ft² indoor run
 - 40 ft² outdoor run
 - Presidential Suites
 - Dogs over 100lbs
 - 20 ft² indoor run
 - 50 ft² outdoor run
 - Limited Staff hours
 - Grooming

- Additional Charges:
 - Playtime: \$3.50/10 min session (max 3 sessions/day)
 - Nature Walk: \$7.00/15 min walk (max 2 walks/day)
 - Play/Walk Combo: \$8.00/10 min play session and 10 min walk (max 2/day)



Facility Interior

- Pampered Pets
 - \$17-24/dog/day
 - Kennel Runs:
 - 14ft in length (indoor only)
 - Limited Staff hours
 - Grooming
 - Day Care:
 - \$12/per day/dog
 - Includes one mid-day walk (10 min)
 - Additional Charges:
 - Playtime: \$2.50/10 min session (max 3 sessions/day)
 - Special Afternoon Treat (Frosty Paws or Sammy Snacks): \$1.50
 - Bedding Options:
 - Sheet (provided by kennel): Free
 - Bring Own Bedding: \$0.50/day
 - Fleece Bedding (provided by kennel): \$1.00/day
 - Pet Cots: \$1.00-\$1.75/day (dependent on cot size)



Facility Interior

- **Pet Motel and Salon**
 - \$20-25/dog/day
 - Price includes 3 potty breaks/play sessions (10-15 min ea)
 - Kennel Runs:
 - 3ft wide; 7-10 ft long (indoor only)
 - Limited Staff hours
 - Grooming
 - Additional Charges:
 - Medication Administration: \$1-2/administration



Kennel Interior



Indoor Run (No outdoor run)

3.3 Sales Literature

Country Paws will begin with a general corporate brochure establishing offered services. This brochure will be developed as part of the start-up expenses and distributed to large businesses, restaurants, local veterinarians, pet stores, real estate agencies and animal rescue groups. These brochures will also be directly mailed to registered pet owners.

3.4 Technology

Country kennels will maintain the latest Windows and Internet capabilities. We will work directly with clients for reservations. A web page will provide information and maximum exposure of available services and products. Pet products will also be available for purchase online.

3.5 Future Products and Services

ONE YEAR GROWTH PLAN

- Internet access to watch your pet online
- Mobile Grooming (contracted) for location
- Obedience Training (contracted)
- Pet Portraits (contracted)
- Pet Taxi

THREE YEAR

- Expand the number of overnight kennels by 10
- Hire Part-time employee(s)
- Sell and distribute feline gifts and products
- Add an indoor exercise facility

FIVE YEAR

- Expand to also include cattery
- Hire Full-time employee(s)
- Franchise

4. Market Analysis Summary

Country Paws will focus on individuals who consider their pets as part of the family. This consumer base is more likely to pay for quality pet care services rather than settling for less expensive, mediocre pet care service. Our main target audience will be in areas of Zion Crossroads and Lake Monticello. These are the primary gathering locations for individuals living in the immediate community, as well as the largest population centers in the area.

4.1 Target Market Segment Strategy

Country Paws will focus their marketing strategy on quality products and services, both for pets and their owners. The quality message will include the business's conviction to personal attention and services in order to achieve a safe, low-stress, enjoyable environment for pets. Additionally, the message will also focus on trust, providing a place where owners feel comfortable leaving their beloved pets.

4.2 Market Trends and Growth

According to the American Pet Products Association (APPA) National Pet Owners Survey 2011-2012, 72.9 million U.S. households, or 62% of all U.S. households, own a pet. Of these households, 46.3 million own dogs, equating to roughly 78.2 million dogs being owned in the U.S.

Even with a troubled economy, pet owners continue to spend (on average) over \$1,500 annually on their pets. The APPA estimates that in 2011 approximately \$50.84 billion will be spent on pets in the U.S., a slight increase from the \$48.35 billion spent in 2010. Of these expenditures, basic annual expenses for dog owners in 2011-2012 include: \$274 for boarding, \$70 for treats, and \$43 for toys. These statistics show a growing trend in the U.S. for pet products and services. As pets become more popular in U.S. households, the relationship between animals and their owners has also changed. Pets are increasingly becoming viewed as part of the family. Many owners with no children in the household don't

just view their pets as part of the family; they view their pets as their children. As such, owners are willing to invest money to have their pets cared for in an environment that is similar to their home surroundings and where their pet is provided special attention and treatment.

Strategy and Implementation Summary

Country Paws is a new “breed” of boarding kennel. No other facility similar to Country Paws exists in the area. However, the business’s ability to sustain and expand is dependent on customer satisfaction.

5.1 Competitive Edge

Country Paws starts with a critical competitive edge: There is little overall industry competition in the area and no other facility offers the type and scope of quality services provided by Country Paws.

5.1.1 Pricing Strategy

Country Paws will be priced at the upper edge of what the market will bear, competing with similar types of services in the area.

5.1.2 Promotion Strategy

Country Paws will offer multiple promotion strategies in order to better establish itself within the community.

- Promotional homeless pet adoption events will be held at the facility/residence during off-peak seasons; encouraging potential customers to tour the facility, test products, and adopt a homeless pet.
- Discounts will also be vital in promoting the business. Although pet owners may initially utilize the services of Country Paws due to the discount, their use of the services allows for word-of-mouth marketing promotions and potential long-term customer relationships. Discounts will include:
 - 1 bag of free homemade dog treats with stay
 - Referral discount
 - Long-term care discount
 - Multiple pet discount
 - Special “holiday” packages
 - Returning customer discounts
- Promotional items (collars, leashes, treats) will also be given to local businesses, pet adoption agencies and pet owners.
- As Country Paws is located directly off a main thoroughfare for area residents, signs will also be utilized to promote the business.

5.1.3 Marketing Strategy

The focus of Country Paws’ marketing strategy is a simple one: satisfied customers are the best marketing tool. When a customer leaves our business with a happy pet, the business’ name and service will stand on its own. Additionally, Country Paws will also distribute advertising brochures to large businesses for bulletin boards, offering a 10% discount for a limited time to build a client base. The local TV news will be also be contacted to feature our business as a new service to the community and brochures will be distributed to local businesses, including restaurants, pet stores, coffee shops, and veterinarians. Country Paws will also utilize traditional forms of advertising, including advertisements in the yellow pages and local newspapers. Additionally, Country Paws will create and maintain a website and e-mail monthly specials and news to established customers.

6. Management Summary

Country Paws will be organized and managed in a creative, innovative fashion to generate very high levels of customer satisfaction. The company will create a working climate conducive to a high degree of personal development and satisfaction.

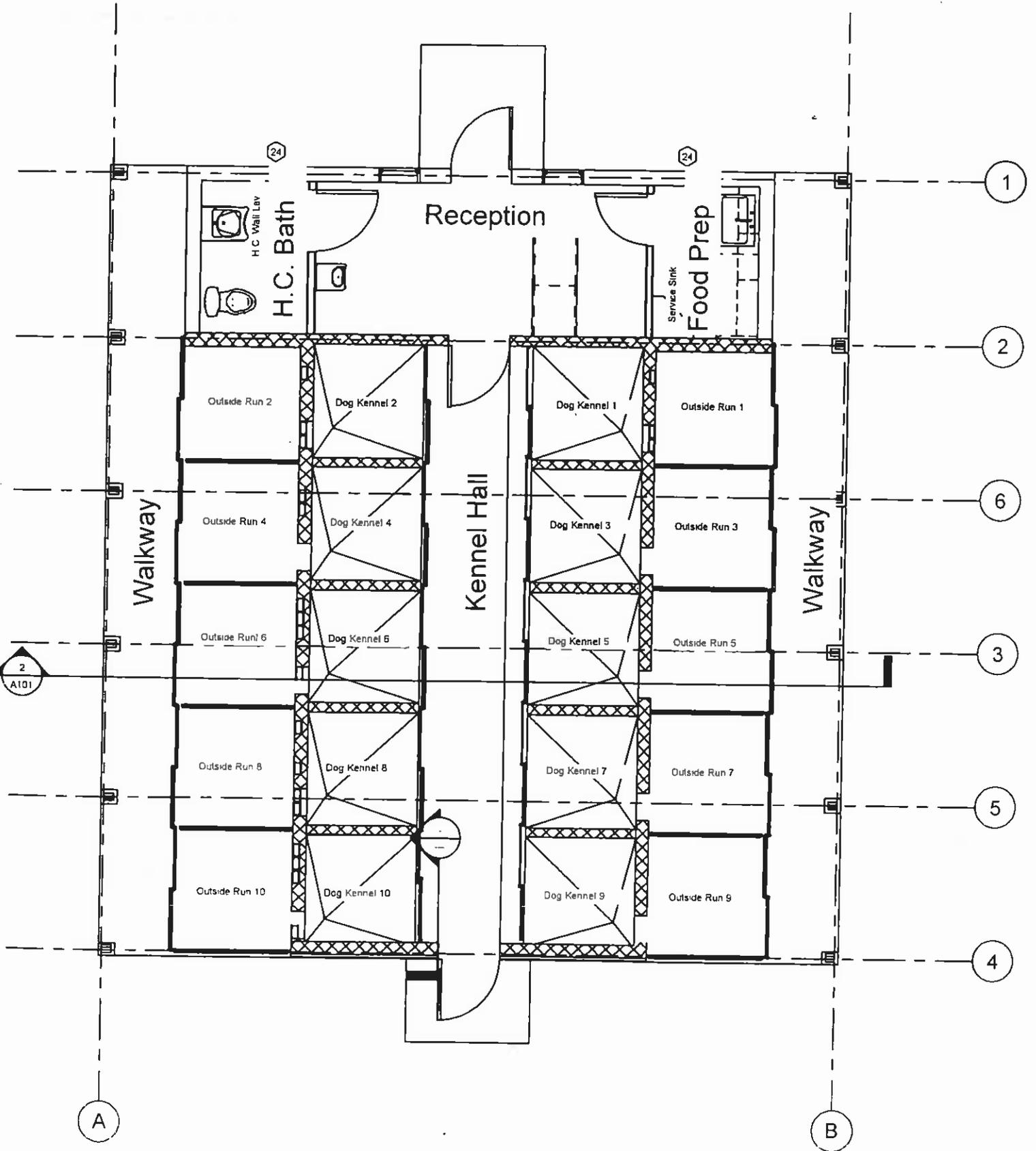
6.1 Personnel Plan

Initially, Country Paws will be managed through the full-time hard work and dedication of the business owners. The normal duties for each owner/operator is as follows:

- **Owner/Operator 1:**
 - Front desk reception: greet customers, receive payments for services/products, set appointments, answer phones, check-in pets, and maintain files of clients with data entry
 - Playground supervisor: monitor animal interactions during playtime, keep area clean, exercise and play with animals in play area
 - Minor grooming: Bathe animals prior to owner pick-up
 - Food/Water/Medication: provide food, water and administer medication to animals
- **Owner/Operator 2:**
 - Cleaning: disinfect indoor/outdoor kennel runs, collect/replace/wash pet bedding and bowls
 - Grounds Maintenance: lawn care, landscaping, minor facility repair
 - Special Needs Supervisor: walk (or monitor in play yard at specified times) special needs/unsocialized animals
- **Contract Employees:**
 - A mobile pet groomer may be contracted within the first year of operation. In exchange for providing a large, established client base, the groomer will provide Country Paws with a portion of the grooming profits.
 - One behavioral trainer may be contracted within the first year of operation. In exchange for utilizing Country Paw's facilities for training events, the trainer will provide Country Paws with a portion of the training proceeds.
 - In the first year, assumptions are that the business will be operated solely by the business owners. By the second year, a part-time employee may be hired to assist with operations pertaining to the kennel facility.

7. Financial Plan

Available upon request.



1 Ground Floor Plan
1/8" = 1'-0"

A102

SHEET NUMBER:

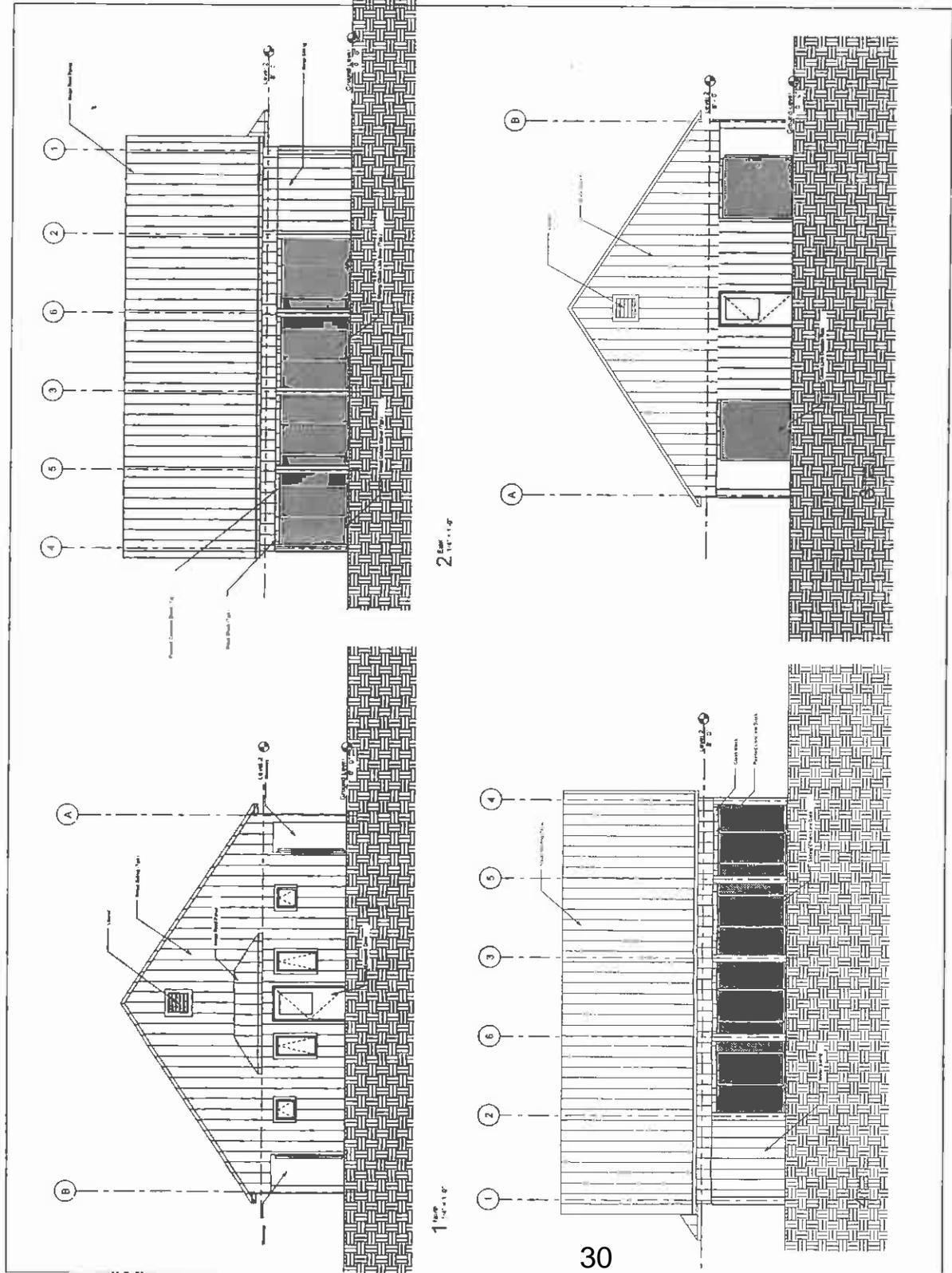
DATE: 1/15/14

PROJECT #141

PROJECT PHASE: Schematic

Morton Buildings
Jennifer Miller Boarding Kennels
Elevations

William B. Daggell, Jr., Architect
100 19th Street, Suite 200
Cherryville, VA 22729
434.971.3288





COUNTY OF FLUVANNA

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STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: ZTA 12:03

From: Andrew Pompei
Date: October 24, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, October 24, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Applicant/Representative: Fluvanna County

Requested Action: Amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: *Definitions*).

Background

In recent years, several landscaping-related businesses have moved to Fluvanna County. There is not an existing definition within the zoning ordinance that adequately describes the activities taking place at these operations. These businesses have been categorized as "commercial greenhouses," but they often involve the stockpiling and distribution of bulk landscaping materials, as well as the operation of heavy equipment.

To address this issue, the Planning Department has worked with the Planning Commission to create new definitions that better describe these types of uses. The regulations established by other localities were studied and discussed.

Project Timeline

The proposed definitions have been discussed at several Planning Commission meetings and at two (2) Technical Review Committee (TRC) meetings. Information has been distributed to existing landscaping-related businesses countywide.

April 27, 2012

Initial Research Distributed to Planning Commission

May 23, 2012

Discussion at Planning Commission Regular Meeting

June 14, 2012	Discussion at Technical Review Committee (TRC) Meeting
June 27, 2012	Discussion at Planning Commission Regular Meeting
July 31, 2012	Information Distributed to Landscaping-Related Businesses
September 12, 2012	Amendments Initiated by Planning Commission
September 25, 2012	Information Mailed to Landscaping-Related Businesses
October 11, 2012	Technical Review Committee (TRC) Meeting

Analysis

The proposed amendment creates new definitions, and modifies existing definitions, to better describe the activities occurring at landscaping-related businesses. Newly-defined uses are added to the uses permitted by-right or by special use permit in select zoning districts.

The following definitions would be modified:

- Greenhouse, commercial
- Greenhouse, non-commercial
- Nursery

Two (2) new uses will be defined and incorporated into the zoning regulations:

- Garden Center
- Landscaping Materials Supply

Uses Defined & Zoning Districts

The purpose of zoning is to promote the health, safety, and general welfare of the public (VA Code §15.2-2283). Zoning aims to accomplish this by separating incompatible uses. For example, heavy industry, which tends to create significant amounts of noise, dust, and traffic, is not permitted in residential areas. This amendment aims to ensure that landscaping-related businesses are situated so that they do not negatively impact nearby uses. Residents living near some of these landscaping-related businesses have complained about the noise, dust, and truck traffic generated by such uses.¹

Some landscaping-related businesses are already defined within the zoning ordinance and are permitted by-right or by special use permit in certain districts. The zoning districts in which these uses are permitted will not be changed.

Each of these newly-defined uses will be permitted by-right or by special use permit in the appropriate zoning district(s):

- *Garden centers* generally do not generate significant truck traffic or noise. Such businesses would be permitted by-right in the B-C (Business, Convenience) and B-1

¹ See Fluvanna County Board of Supervisors minutes from November 16, 2011 (Page 2); May 16, 2012 (Page 5).

(Business, General) zoning districts; this is consistent with the intent of these districts (see Sec. 22-8-1 and Sec. 22-9-1).

- *Landscaping Materials Suppliers* generate significant amounts of noise, dust, and truck traffic, making them inappropriate for residential and some commercial areas. Such businesses would be permitted by-right in the I-1 (Industrial, Limited) zoning district and by special use permit in the B-C and B-1 zoning districts.

Table 1 describes where the different types of landscaping-related businesses would be permitted.

Table 1: Landscaping-Related Businesses & Zoning Districts

Use	Where Permitted
Garden Center	By-Right: B-1, B-C, PUD Special Use Permit: A-1
Greenhouse, Commercial	By-Right: B-1, B-C, PUD Special Use Permit: A-1
Greenhouse, Non-Commercial	By-Right: A-1, R-1, R-2, R-3, R-4, PUD
Landscaping Materials Supply	By-Right: I-1 Special Use Permit: A-1, B-1, B-C
Nursery	By-Right: A-1 Special Use Permit: R-1, R-2

The amendment would not prohibit landscaping-related businesses from relocating to Fluvanna County, but would direct the operations to areas zoned for commercial and industrial use. Operating *garden centers*, *commercial greenhouses*, and *landscaping materials supply* in agricultural areas would require a special use permit, which is consistent with existing regulations. Table 2 describes where the B-C, B-1 and I-1 districts are currently applied.

Table 2: Distribution of Properties Zoned B-C, B-1, and I-1

Zoning District	Landscaping-Related Business Permitted per Proposed Amendment	Acreage within Zoning District	Concentrations of Properties within Zoning District
B-C	<i>By-Right:</i> Garden Center Commercial Greenhouse <i>Special Use Permit:</i> Landscaping Material Supply	17 acres	Lake Monticello
B-1	<i>By-Right:</i> Garden Center Commercial Greenhouse <i>Special Use Permit:</i> Landscaping Material Supply	416 acres	Fork Union Kidds Store Lake Monticello Weber City Zion Crossroads
I-1	<i>By-Right:</i> Landscaping Materials Supply	666 acres	Carysbrook Zion Crossroads

Comprehensive Plan

Several chapters of the 2009 Comprehensive Plan (*Natural Environment, Land Use, and Community Design*) encourage well-planned, high-quality development that benefits the surrounding community. New projects effectively address the community's vision and values, and any anticipated adverse impacts are minimized. The proposed amendment aims to direct new landscaping-related businesses to the appropriate areas, minimizing conflicts with incompatible residential and/or commercial uses.

The proposed amendment is consistent with the following goal of the Comprehensive Plan:

- Enable well-planned, coordinated, and sustainable development to occur throughout the County (*Land Use: Goal 2*).

Technical Review Committee

The proposed amendment was reviewed at two (2) Technical Review Committee (TRC) meetings: June 14, 2012 and October 11, 2012.

At the meeting on June 14, 2012, one (1) agency commented on the request:

- The Virginia Department of Transportation (VDOT) stated that any entrances to landscaping-related businesses from state-maintained roadways would have to be reviewed and approved by VDOT.

At the meeting on October 11, 2012, one (1) agency commented on the request:

- The Health Department stated that the agency would ensure that any new business has adequate water and sewage facilities.

Conclusion

The proposed amendment to the Fluvanna County Zoning Ordinance would better describe the activities taking place at landscaping-related businesses than the existing definition of *commercial greenhouse*.

The proposed amendment is intended to:

- Help the Zoning Administrator interpret and enforce local zoning requirements;
- Help business owners understand zoning regulations applicable to landscaping-related businesses; and
- Limit the negative impacts (noise, dust, truck traffic, etc.) of landscaping-related business on adjacent properties and uses.

This proposal, initiated by the Planning Commission after several months of consideration, is consistent with 2009 Comprehensive Plan, which calls for “well-planned, coordinated, and sustainable development to occur throughout the County” (*Land Use*: Goal 2).

Suggested Motion

I move to recommend [approval/denial] of ZTA 12:03, a request to amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts, as initiated by the Planning Commission by resolution on September 12, 2012.

Attachments

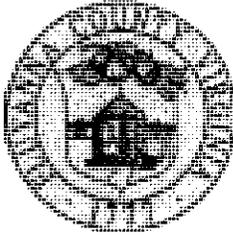
- A: Application
- B: Summary of Proposed Amendments
- C: Proposed Text
- D: Research from Other Localities

Copy:

Applicant/Representative: Fluvanna County

Reset Form

Print Form



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for
Zoning Text Amendment

Owner of Record: Fluvanna County

Applicant of Record: Fluvanna County

E911 Address: 132 Main Street, Palmyra, VA 22963

E911 Address: 132 Main Street, Palmyra, VA 22963

Phone: (434) 591-1910 Fax: (434) 591-1911

Phone: (434) 591-1910 Fax: (434) 591-1911

Email: afinchum@fluvannacounty.org

Email: afinchum@fluvannacounty.org

Representative: Allyson Finchum (Planning Director)

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 132 Main Street, Palmyra, VA 22963

Phone: (434) 591-1910 Fax: (434) 591-1911

Email: afinchum@fluvannacounty.org

Proposed amendment to the Zoning Ordinance: (attach additional sheets as necessary)
 If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section.

Location of Parcel: N/A Section: _____

Amendment of the Fluvanna County Zoning Ordinance (Chapter 22) to create new definitions that better describe landscaping-related businesses and the activities taking place at such operations. Newly-described uses will be added to the uses permitted by right and by special use permit in certain zoning district.
 Proposed Text: The amendments would affect Article 4, Article 9, Article 10, Article 11, and Article 22 of the Fluvanna County Zoning Ordinance (Chapter 22).
 The proposed amendment was initiated by the Planning Commission on September 12, 2012.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

Date: 9/13/12 Signature of Owner/Applicant: Allyson Finchum

Subscribed and sworn to before me this 13th day of September, 2012 Register # 7509714

My commission expires: 3/31/2015 Notary Public: Lauren M. Ruppelt

Date Received: <u>9/13/12</u>	Pre-Application Meeting: <u>—</u>	PH Sign Deposit Received:	Application #: <u>ZTA 12 :03</u>
\$550 fee paid: <u>Not Applicable</u>			
Advertisement Dates: <u>Oct. 11th + 18th 2012</u>	Advertisement Dates: <u>Nov. 8th + 15th 2012</u>		
APO Notification: <u>Oct. 10, 2012</u>	APO Notification: <u>NOV. 6, 2012</u>		
Date of Hearing: <u>Oct. 24, 2012</u>	Date of Hearing: <u>NOV. 20, 2012</u>		
Decision:	Decision:		



COUNTY OF FLUVANNA

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LANDSCAPING-RELATED BUSINESSES

Summary of Proposed Amendments to the Fluvanna County Zoning Ordinance
 August 2012

Existing Definitions within Zoning Ordinance with Proposed Modifications

Greenhouse, Commercial: A ~~greenhouse operation~~ facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which plants ~~and other related products~~ are offered for sale to the public, either at wholesale or at retail. Supplemental items used in planting and landscaping, such as mulch, topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.
 (Permitted By-Right in B-1, B-C, PUD; Special Use Permit in A-1).

Greenhouse, Non-Commercial: A ~~greenhouse operation~~ facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which no product is offered for sale to the public.
 (Permitted By-Right in A-1, R-1, R-2, R-3, R-4, PUD)

Nursery: A place where plants are grown commercially, either for retail or wholesale distribution. *Plants cultivated on-site may be offered for sale to the general public.* See *Farm sales* use.

Farm Sales: The sale of agricultural produce or merchandise produced primarily by the resident operator on his farm.
 (Permitted By-Right in A-1; Special Use Permit in R-1, R-2)

Proposed Definitions

Garden Center: A retail business in which plants, which may or may not be cultivated on-site, are offered for sale to the general public. Supplemental items used in planting and landscaping, such as pre-packaged mulch, pre-packaged topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.
 (Permitted By-Right in B-1, B-C, PUD; Special Use Permit in A-1).

Landscaping Materials Supply: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.
 (Permitted By-Right in I-1; Special Use Permit in A-1, B-1, B-C).

Article 4. Agricultural, General, District A-1

Sec. 22-4-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

- Agriculture
- Conservation areas
- Equestrian facilities
- Farm sales
- Hunt clubs
- Hunting preserves

Civic Uses

- Public parks and recreational areas
- Public uses

Commercial Uses

- Family daycare homes
- Home occupations

Industrial Uses

- Sawmills, temporary

Miscellaneous Uses

- Accessory uses
- Cemeteries, non-commercial
- Greenhouses, non-commercial
- Kennels, private
- Marinas, private non-commercial
- Rural cluster developments
- Shooting, private recreational
- Utilities, minor
- Woodstorage, temporary

Residential Uses

- Dwellings, accessory
- Dwellings, two-family
- Farm tenant housing
- Group homes
- Manufactured homes
- Mobile homes, as defined in Sec. 22-4-2.3
- Single-family detached dwellings, including family subdivisions and conventional minor subdivisions, but excluding conventional major subdivisions recorded after April 5, 2004

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-4-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

- Agricultural enterprise
- Agricultural sales, wholesale
- Livestock feed lots, commercial
- Livestock sales yards, commercial

Civic Uses

- Amusements, public
- Correctional facilities
- Cultural services
- Educational facilities
- Public assembly
- Public recreation assembly
- Religious assembly
- Sheltered care facilities

Commercial Uses

- Adult retirement communities
- Amusements, commercial
- Assisted living facilities
- Automobile repair service establishments
- Bed and breakfasts
- Boarding houses
- Butcher shops
- Campgrounds
- Camps
- Car washes
- Cemeteries, commercial
- Communications service
- Dance halls
- Daycare centers
- Flea markets
- Funeral homes
- Garden center*
- Gas stations
- Greenhouses, commercial
- Hotels
- Kennels, commercial
- Landscaping materials supply*
- Lodges
- Medical clinics

Outdoor entertainment
Outdoor recreation facilities
Restaurants, small
Retail stores, neighborhood convenience
Retail stores, specialty
Shooting ranges, indoor
Shooting ranges, outdoor
Small home industries
Studios, fine arts
Taxidermists
Veterinary offices

Industrial Uses

Railroad facilities
Resource extraction
Solid waste collection facilities

Miscellaneous Uses

Aviation facilities
Outdoor gatherings
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

(Ord. 9-17-08; Ord. 12-17-08; Ord. 10-21-09; Ord. 7-21-10; Ord. 11-3-10)

Article 9. Business, General, District B-1

Sec. 22-9-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

- Amusements, public
- Cultural services
- Public recreation assembly
- Public uses
- Religious assembly
- Sheltered care facilities

Commercial Uses

- Assisted living facilities
- Auction houses
- Automobile repair service establishments
- Automobile sales
- Bakeries
- Bed and breakfasts
- Boarding houses
- Butcher shops
- Car washes
- Cemeteries, commercial
- Communications service
- Corporate offices
- Daycare centers
- Financial institutions
- Flea markets
- Funeral homes
- Garden Center*
- Gas stations
- Greenhouses, commercial
- Grocery stores
- Guidance services
- Hospitals
- Hotels
- Indoor entertainment
- Indoor recreation facilities
- Laundries
- Marinas, commercial
- Medical clinics
- Nursing homes
- Offices
- Parking facilities
- Personal improvement services

- Personal service establishments
- Pharmacies
- Professional schools
- Recreational vehicle sales
- Restaurants, fast food
- Restaurants, general
- Restaurants, small
- Retail stores, general
- Retail stores, large-scale
- Retail stores, neighborhood convenience
- Retail stores, specialty
- Self-storage facilities
- Shooting ranges, indoor
- Studios, fine arts
- Taxidermists
- Vending carts
- Veterinary offices

Miscellaneous Uses

- Accessory uses
- Utilities, minor

(Ord. 3-15-06; Ord. 11-20-07; Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-9-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

- Educational facilities
- Public assembly

Commercial Uses

- Amusements, commercial
- Dance halls
- Entertainment establishments, adult
- Halfway houses
- Kennels, commercial
- Landscaping materials supply*
- Laundromats
- Lodges
- Manufactured home sales
- Outdoor entertainment
- Outdoor recreation facilities
- Retail stores, adult
- Transportation terminals

Industrial Uses

Contractor's storage yards
Lumberyards
Machine shops
Railroad facilities
Research laboratories

Miscellaneous Uses

Outdoor gatherings
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

(Ord. 3-15-06; Ord. 11-20-07; Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Article 10. Business, Convenience, District B-C

Sec. 22-10-3. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Amusements, public
Cultural services
Public uses

Commercial Uses

Bakeries
Bed and breakfasts
Butcher shops
Daycare centers
Financial institutions
Funeral homes
Garden Center
Gas stations
Greenhouses, commercial
Grocery stores
Medical clinics
Offices
Parking facilities
Personal service establishments
Pharmacies
Restaurants, fast food
Restaurants, general
Restaurants, small
Retail stores, general
Retail stores, neighborhood convenience
Retail stores, specialty
Studios, fine arts
Taxidermists
Vending carts

Miscellaneous Uses

Accessory uses
Utilities, minor

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-10-4. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Religious assembly
Sheltered care facilities

Commercial Uses

Amusements, commercial
Auction houses
Automobile repair service establishments
Car washes
Communications service
Dance halls
Guidance services
Hotels
Kennels, commercial
Landscaping materials supply
Laundromats
Laundries
Lodges
Personal improvement services
Professional schools
Self-storage facilities
Veterinary offices

Miscellaneous Uses

Outdoor gatherings
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Article 11. Industrial, Limited, District I-1

Sec. 22-11-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Public uses

Commercial Uses

Automobile repair service establishments

Automobile sales

Car washes

Communications service

Corporate offices

Financial institutions

Flea markets

Gas stations

Landscaping materials supply

Laundries

Medical clinics

Offices

Parking facilities

Professional schools

Recreational vehicle sales

Retail stores, general

Retail stores, large-scale

Retail stores, neighborhood convenience

Retail stores, specialty

Self-storage facilities

Shooting ranges, indoor

Transportation terminals

Vending carts

Veterinary offices

Industrial Uses

Contractor's storage yards

Lumberyards

Machine shops

Manufacturing, light

Railroad facilities

Research laboratories

Sawmills, temporary

Solid waste collection facilities

Upholstery shops

Wholesale warehouses

Miscellaneous Uses

Accessory uses
Utilities, minor
Woodstorage, temporary

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-11-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

Amusements, commercial
Auction houses
Manufactured home sales
Outdoor entertainment
Outdoor recreation facilities
Restaurants, fast food
Shooting ranges, outdoor

Industrial Uses

Manufacturing, medium
Sanitary landfills
Sawmills, permanent
Solid waste material recovery facilities
Truck terminals

Miscellaneous Uses

Aviation facilities
Outdoor gatherings
Telecommunication facilities
Utilities, major

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Article 22. Definitions

Sec. 22-22-1. Rules of construction; definitions.

The following terms shall have the meanings assigned to them as hereinafter set forth. Except as expressly otherwise defined herein, all terms used in this chapter shall have their ordinary and established meanings, as the context may require. A word importing the masculine gender only may extend and be applied to females and to corporations as well as males. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things.

ACCESSORY USE: A use or structure subordinate to the main use or structure on the same lot and serving a purpose naturally incidental to the main use or structure. When an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered a part of the main structure.

ADULT RETIREMENT COMMUNITY: A planned development providing residences for elderly persons that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

AGRICULTURAL ENTERPRISE: Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined. Related uses include sawmill, winery and other similar facilities.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, aquaculture, horticulture, floriculture, viticulture, forestry, livestock, and poultry and the necessary accessory uses for packing, treating, or storing the produce.

AGRICULTURAL SALES, WHOLESALE: The wholesale distribution of agricultural related products including, but not limited to, farm tools and implements, tack, animal care products, and other farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but shall include harnesses, saddles, and other related equine equipment.

ALLEY: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change in the total floor area, use or adaptability of an existing structure.

AMUSEMENT, COMMERCIAL: The provision of entertainment or games of skill to the general public for a fee, as permitted by general law.

AMUSEMENT, PUBLIC: Fund-raising activities including those activities sponsored by charitable organizations for which remuneration must be paid by sponsor.

ASSISTED LIVING FACILITY: A publicly or privately operated long-term care alternative for persons aged 55 and over, or persons with disabilities, as defined by the Federal Americans with Disabilities Act, that provides the availability of professionally managed personal and health care services to occupants on premises. These premises are designed for this population; are residential in character and appearance; may include cooking facilities; and in all respects are intended to enable residents to age in place in a home-like environment. The facility operation shall have the capacity to provide residents with an array of services supporting Activities of Daily Living (ADL's) that may include, but are not necessarily limited to, meals, personal care housekeeping, transportation, and supervision of self-administered medication, while optimizing their physical and psychological independence. Such facility shall be deemed a single unit for purpose of calculating density.

AUCTION HOUSE: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other, with all events and storage of inventory entirely enclosed in a building or structure.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. See *Salvage and scrap yard* use.

AUTOMOBILE REPAIR SERVICE ESTABLISHMENT: A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

AUTOMOBILE SALES: The use of any building, land area or other premises for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other repair service conducted as an accessory use.

AVIATION FACILITY: Facilities for the take-off and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, aircraft maintenance facilities, aviation instruction facilities, and heliports.

BAKERY: A place for preparing, cooking, baking, and selling of products on the premises.

BASE FLOOD/ONE-HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST: A transient lodging establishment, within an owner occupied property, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

BERM: A mound of earth, usually linear in form, used to shield, screen, or buffer views; separate land uses; provide visual interest; or block noise, lights, or glare.

BICYLCE PARKING: Bicycle racks and similar structures, permanently affixed to the ground, designed and used for storing bicycles in a secure, upright position.

BIOTENTION AREA: A vegetated depression engineered to collect, store, and infiltrate runoff generated on-site.

BOARD OF ZONING APPEALS: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property.

BUILDING MASS: The height, width, and depth of a structure

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN: The principal building or one of the principal buildings on a lot, or the building or one of the principal building housing the principal use on the lot.

BUTCHER SHOP: A shop in which meat, poultry, and fish are processed and sold.

CABARET, ADULT: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas for observation by patrons therein. See *Entertainment establishment, adult use*.

CALIPER: A measure of tree size, determined by measuring the diameter of a tree at a point six inches (6") above the root ball, at the time of planting, or twelve inches (12") above the ground, for established vegetation.

CAMP: A tract of land, complete with all necessary and accessory uses and structures, used for organized recreational activities under trained supervision. Seasonal accommodations may be provided and such uses shall include boarding camps, day camps and summer camps.

CAMPGROUND: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar transportable or temporary sleeping quarters of any kind. For purposes of this definition, transient shall be for no more than 120 days.

CAR WASH: Facilities for the washing and cleaning of vehicles, including automatic and self-service car washes.

CELLAR: The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

CEMETERY, COMMERCIAL: A place where human remains are interred, above or below ground, and where plots are sold for that purpose, and perpetual care of the graves is furnished. Such uses shall also allow for cemeteries for the burial of domestic animal remains.

CEMETERY, NON-COMMERCIAL: A place where human remains are interred above or below ground and where plots are not sold. Such uses shall also allow for cemeteries for the burial of domestic animal remains.

CENTRAL SEWERAGE SYSTEM: A sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment plants, including, but not limited to, septic tanks and/or drain fields, or any of them designed to serve three or more connections, used for conducting or treating sewage which is required to be approved by the board of supervisors pursuant to Title 15.1, Chapter 9, Article 9 of the Code of Virginia. See *Utilities, major* and *minor* uses.

CENTRAL WATER SUPPLY: A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, to serve or to be capable of serving three or more connections, which is required to be approved by the board of supervisors pursuant to Title 15.1, Chapter 9, Article 7 of the Code of Virginia. See *Utilities, major* and *minor* uses.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or the preservation of historically or environmentally sensitive features.

COMMISSION, THE: The Planning Commission of Fluvanna County, Virginia.

COMMUNICATIONS SERVICE: Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as major utilities or telecommunication facilities. Typical uses include, but are not limited to, television studios, telecommunication service centers, radio stations, or film and sound recording facilities.

COMPREHENSIVE PLAN: The Fluvanna County Comprehensive Plan.

CONDOMINIUM: A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportionate undivided basis.

CONDOMINIUM ASSOCIATION: The community association that administers and maintains the common elements of a condominium.

CONNECTION, WATER OR SEWER: The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

CONSERVATION AREA: Any parcel or area of substantially undeveloped land conserved in its natural state to preserve or protect endangered species, critical environment features, viewsheds, or other natural elements including, but not limited to, preserves, wildlife management areas and refuges, open spaces and habitat protection areas.

CONTRACTOR'S STORAGE YARD: Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

CORPORATE OFFICE: An establishment primarily engaged in providing internal office administration services as opposed to customer service. Such uses generally include the headquarters, regional offices or administrative offices for a corporation.

CORRECTIONAL FACILITY: A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

CUL-DE-SAC: The turnaround at the end of a dead-end street.

CULTURAL SERVICES: A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

CURVILINEAR STREET SYSTEM: A pattern of streets that is primarily curved.

DANCE HALL: Establishments in which more than ten (10) percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing, except when sponsored by civic, charitable, or nonprofit groups.

DAYCARE CENTER: A facility operated for the purpose of providing care, protection and guidance to ten (10) or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, daycare centers, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DIAMETER AT BREAST HEIGHT: A measure of tree size, determined by measuring the diameter of a tree at a point four and one-half feet (4.5') above the ground.

DORMITORY: A residence hall providing rooms for individuals or for groups usually without private baths. Also, a large room containing numerous beds.

DRIPLINE: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

DRIVE-IN WINDOW: A facility designed to provide access to commercial products and/or services for customers remaining in their automobiles.

DWELLING: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, mobile homes, and travel trailers.

DWELLING, ACCESSORY: A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following: (1) A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or (2) A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit contained within a detached accessory unit; that shall be no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property. One accessory dwelling shall be permitted per property plus one additional accessory dwelling for each 50 acres of contiguous property. Accessory dwelling units shall be subject to the setback requirements for primary structures.

DWELLING, MULTI-FAMILY: A building or portion thereof which contains two or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

DWELLING, SINGLE-FAMILY ATTACHED: Two or more single family dwellings sharing two or more common walls, each on its own individual lot. Attached dwellings are not vertically stacked.

DWELLING, SINGLE-FAMILY DETACHED: A building designed for occupancy by one family which has no connection by a common party wall to another building or structure similarly designed.

DWELLING, TOWNHOUSE: A single-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING UNIT: Any building or portion of building intended to be used for residential purposes by a single family and designed or arranged in such a manner that none of the facilities or areas customarily provided for cooking, sleeping, eating sanitation, or other residential functions is shared by any other family or persons residing in the same structure.

EDUCATIONAL FACILITY: A public or private institution for the teaching of children or adults including primary and secondary schools, colleges, and similar facilities.

EGRESS: An exit.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENTERTAINMENT ESTABLISHMENT, ADULT: Any adult cabaret, adult motion picture theater, or adult video-viewing or arcade booth.

EQUESTRIAN FACILITY: Facilities designed and used primarily for equestrian related activities including, but not limited to: riding schools, horse exhibition facilities, polo fields, and pack stations. This includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

EVERGREEN: A plant with foliage that remains year-round.

FAMILY:

- (1) An individual; or
- (2) Two (2) or more persons related by blood, marriage, adoption, or guardianship, plus not more than (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit; or
- (1) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling or dwelling unit.
- (2) A group home of eight (8) or fewer people residing in a single-family residence as described in Section 15.2-2291 of the Code of Virginia.

FAMILY DAYCARE HOME: A single-family dwelling in which more than five (5) but less than thirteen (13) individuals are received for care, protection, and guidance during only part of a twenty-four (24) hour day. Individuals related by blood, legal adoption, or marriage to the person who maintains the home shall not be counted towards this total. The care of five (5) or fewer individuals for portions of a day shall be considered as a home occupation.

FARM: One or more parcels of land used for the primary purpose of agricultural production.

FARM TENANT HOUSING: A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family. Also included in this use type would be multi-family dwelling(s) for seasonal employees in connection with an orchard or other agricultural use which relies on seasonal employees who must be housed.

FARM SALES: The sale of agricultural produce or merchandise produced primarily by the resident operator on his farm.

FINANCIAL INSTITUTION: An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: trust companies, savings banks, industrial banks, savings and loan associations, building and loan associations, commercial banks, credit unions, federal associations, and investment companies.

FLEA MARKET: A market held in an open area or building where goods are offered for sale to the public by individual sellers, generally on an occasional or periodic basis.

FLOOD: A general or temporary condition of partial or complete inundation of normally dry land areas.

FLOOD, BASE: The flood having a one percent chance of being equaled or exceeded in any given year.

FLOOD ELEVATION, BASE: The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

FLOOD HAZARD AREA, SPECIAL: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA RATIO: The gross floor area of all buildings or structures on a lot divided by the total lot area.

FOOTCANDLE: A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

FRONTAGE: The continuous uninterrupted distance along which a parcel abuts a single adjacent road or street.

FUNERAL HOME: A facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Typical uses include funeral homes or mortuaries.

GARDEN CENTER: A retail business in which plants, which may or may not be cultivated on-site, are offered for sale to the general public. Supplemental items used in planting and landscaping, such as pre-packaged mulch, pre-packaged topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.

GAS STATION: Any place of business used primarily for the storage, dispersal, sale, or offering of fuels and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any use associated with automobile fuel sales shall be considered a gas station.

GOVERNING BODY: The Board of Supervisors of Fluvanna County, Virginia.

GREENHOUSE, COMMERCIAL: A ~~greenhouse operation~~ facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which plants ~~and other related products~~ are offered for sale to the public, either at wholesale or at retail. *Supplemental items used in planting and landscaping, such as mulch, topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.*

GREENHOUSE, NON-COMMERCIAL: A ~~greenhouse operation~~ facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which no product is offered for sale to the public.

GREENWAY: (1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector lining parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) locally, certain strip or linear parks designated as a parkway or greenbelt.

GROCERY STORE: A retail business primarily engaged in the sale of unprepared food for personal or household preparation and consumption. Such a facility may also engage in incidental sales of prepared foods for personal consumption on- or off-site.

GROUP HOME: A licensed residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, shall be considered a residential occupancy by a single family.

Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance. Such facility shall be licensed by the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, in order to qualify as a single-family use.

GUIDANCE SERVICES: A use providing counseling, guidance, recuperative, or similar services for person requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four hour day.

HALFWAY HOUSE: An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or drug addiction, to person re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders.

HEALTH OFFICIAL: The legally designated health authority of the State Board of Health for Fluvanna County or his authorized representative.

HISTORICAL AREA: As indicated on the zoning map to which the provisions of this chapter apply for protection of a historical heritage.

HISTORIC STRUCTURE: Any structure that is (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, no one is employed other than members of the family residing on the premises, there is no substantial increase in traffic, and provided that not more than 25% of the gross floor area of such dwelling shall be used for such occupation.

HOMEOWNERS ASSOCIATION: A community organization, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medial offices, and staff residences.

HOTEL: A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities. Such uses include hotels, motels, motor lodges, and motor courts.

HUNT CLUB: Areas reserved to members of the club for private hunting of wildlife, fishing, and accessory uses in support of those activities.

HUNTING PRESERVE: An area licensed by the commonwealth for public or private hunting of wildlife, fishing, and accessory uses in support of those activities.

IMPERVIOUS SURFACE: Any material that prevents absorption of stormwater into the ground.

INDOOR ENTERTAINMENT: Predominantly spectator uses conducted within an enclosed building, but not including public facilities. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.

INDOOR RECREATION FACILITY: Predominantly participant uses conducted within an enclosed building, but not including public facilities. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities.

INOPERABLE MOTOR VEHICLE: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNKYARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. See *Salvage and scrap yard* use.

KENNEL, COMMERCIAL: A place designed and used to house, board, breed, handle or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation.

KENNEL, PRIVATE: The keeping, breeding, raising, showing, or training of four (4) or more dogs, cats, or other household pets over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

LANDSCAPING MATERIALS SUPPLY: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.

LAUNDROMAT: A building where clothes or other household articles are washed in self service machines and where such washed clothes and articles may also be dried or ironed.

LAUNDRY: Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Service Establishments. Typical uses include, but are not limited to, bulk laundry and cleaning plants, diaper services, or linen supply services.

LEVEL OF SERVICE: A description of traffic conditions along a given roadway or at a particular intersection.

LIVESTOCK FEED LOT, COMMERCIAL: A commercial establishment where livestock is fattened for sale and where feed is transported from other places.

LIVESTOCK SALE YARD, COMMERCIAL: A commercial establishment wherein livestock is collected for sale or auctioning.

LODGE: A facility, owned or operated by a corporation, association, person or persons, for social, educational or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include facilities for members to reside.

LOT: A parcel of land, including a residue, described by metes and bounds or otherwise or shown on a plat, and intended as a unit of real estate for the purpose of ownership, conveyance or development.

LOT, CORNER: A lot abutting upon two (2) or more street rights-of-way at their intersection. Of the two sides of a corner lot, in the absence of evidence to the contrary based on actual development, the front shall be presumed to be the shorter of the two sides fronting on streets.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, INTERIOR: Any lot other than a corner lot.

LOT, PIPESTEM: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right of way or driveway.

LOT, REVERSE FRONTAGE: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

LOT, THROUGH: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT, WIDTH OF: The average horizontal distance between side lot lines.

LOT OF RECORD: A lot, a plat or description of which has been recorded in the clerk's office of the Circuit Court.

LOW-IMPACT DEVELOPMENT: A design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally-equivalent site design. Hydrologic functions of storage, infiltration and groundwater recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Examples of low-impact development techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

LUMBERYARD: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, plywood, drywall, paneling, concrete masonry unit (CMU) blocks and other concrete products, but not including the manufacture of such products.

MACHINE SHOP: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

MANUFACTURED HOME: A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Also referred to as mobile homes.

MANUFACTURED HOME SALES: Establishments primarily engaged in the display, retail sale, rental, and repair of new and used manufactured homes, modular homes, parts, and equipment.

MANUFACTURING, HEAVY: The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MANUFACTURING, LIGHT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANUFACTURING, MEDIUM: The processing and manufacturing of materials or products predominantly from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

MARINA, COMMERCIAL: A marina designed and operated for profit or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

MARINA, PRIVATE: A marina, including a dock for the use of a single parcel, designed and intended to be used for mooring of boats owned by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.

MEDIA, ADULT: Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. See *Retail store, adult* use.

MEDICAL CLINIC: A facility providing medical, psychiatric, or surgical service for persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, “medical clinic” includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

MINING: The breaking or disturbing of the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals; any activity constituting all or part of a process for the extraction or removal of minerals so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on-site farming or construction. Nothing herein shall apply to mining of coal. This definition shall not include, nor shall this title, chapter, or section be construed to apply to the process of searching, prospecting, exploring or investigating for minerals by drilling (Virginia Code Section 45.1-180). See *Resource extraction* use.

MOBILE HOME: See *Manufactured home*.

MANUFACTURED HOME PARK: Any site, lot, field or tract of land which is held out for the locations of occupied trailers which trailers or lots are intended for use by a person or persons other than the property owner, except as otherwise permitted in this chapter.

MODULAR HOME: A dwelling unit primarily manufactured off-site in accordance with the Virginia Uniform Statewide Building Code standards and transported to the building site for final assembly on a permanent foundation.

MOTION PICTURE THEATER, ADULT: An establishment that shows sexually oriented movies, distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas as a significant part of its business. See *Entertainment establishment, adult* use.

MURAL: A work of art (as a painting) applied to and made integral to a building wall, fence, etc., that is prepared by, or under the direction of, a skilled artist and shows imaginative skill in arrangement or execution and specifically not attempt to advertise any specific business, product or service.

NATURAL MEADOW: A continuous area designated on a landscape plan that is planted with grasses and wildflowers native to Virginia that are allowed to grow in their natural habit. Such areas are actively managed to prevent the growth of woody vegetation and invasive species.

NONCONFORMING ACTIVITY, NONCONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the minimum area or width requirements of the ordinance for the district in which it is located.

NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

NURSERY: A place where plants are grown commercially, either for retail or wholesale distribution. *Plants cultivated on-site may be offered for sale to the general public.* See *Farm sales* use.

NURSING HOME: Any place or institution, other than a hospital, for the aged, infirm, senile, chronically ill, or convalescent established to render domiciliary care, custodial care, treatment or lodging to three (3) or more nonrelated persons.

OFFICE: A room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way as required by Article 26 (Sec. 22-26-1 through 22-26-8) of this chapter.

OUTDOOR ENTERTAINMENT: Predominantly spectator uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

OUTDOOR GATHERING: Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held in public parks or on public school property shall not be included within this use type.

OUTDOOR RECREATION FACILITY: Predominantly participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, golf courses, driving ranges, tennis courts, motorized cart and motorcycle tracks, paintball facilities, swimming pools, athletic ball fields.

PACKAGE TREATMENT PLANT: Small, self contained sewage treatment facility built to serve designated service areas. See *Utility, major* use.

PARKING AREA: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING BAY: A continuous row of parking, containing twenty (20) parking spaces or less, bounded on both ends by a parking island, as specified in Article 22 of this chapter.

PARKING FACILITY: A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use. This use type excludes temporary parking facilities permitted by county code.

PAVERS: Preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.

PERSONAL IMPROVEMENT SERVICES: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include, but are not limited to, driving schools, health or physical fitness studios, dance studios, handicraft and hobby instruction.

PERSONAL SERVICE ESTABLISHMENT: An establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops; dry cleaners; and seamstresses, tailors, and shoe repair.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater into previously unimproved land.

PETROLEUM DISTRIBUTION FACILITY: A facility for the storage and distribution of fuels or other volatile products.

PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

PLAT: A schematic representation of a parcel or subdivision.

PLAT, PRELIMINARY: A plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines or proposed lots and certain proposed features and improvements.

PLAT, FINAL: A plat showing the new property lines and certain features and improvements installed pursuant to the preliminary plat, showing their location as built, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the Clerk of the Circuit Court and to convey the individual lots shown thereon.

PROFESSIONAL SCHOOL: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills, or other similar activity or occupational pursuit, but not including educational facilities.

PROPERTY OWNERS' ASSOCIATION: An entity established, pursuant to Section 55-508 et set. of the Code of Virginia, or otherwise, for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.

PUBLIC ASSEMBLY: Facilities that accommodate public assembly for purposes such as sports, amusements, or entertainment. Typical uses include, but are not limited to, auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

PUBLIC PARK AND RECREATIONAL AREA: Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses but not including public recreation assembly.

PUBLIC RECREATION ASSEMBLY: Publicly owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.

PUBLIC SAFETY FACILITY: Public agency facilities that provide public safety and emergency services including fire, rescue squad, and police stations and related administrative facilities. See *Public use*.

PUBLIC USE: Uses, structures, and facilities made available for public service including, but not limited to, parks, playgrounds, libraries, public safety and emergency facilities, and administrative buildings.

PUBLIC WATER AND SEWER SYSTEM: A water or sewer system owned and operated by a municipality, county or other political subdivision of the Commonwealth.

PUMPING STATION: A building or structure containing the necessary equipment to pump a fluid to a higher level.

RAILROAD FACILITY: Railroad yards, equipment servicing facilities, and terminal facilities.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, and table games.

RECREATIONAL VEHICLE: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projects; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, traveling, or seasonal use.

RECREATIONAL VEHICLE SALES: Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

RECTILINEAR STREET PATTERN: A pattern of streets that is primarily characterized by right-angle roadways, grid pattern blocks, and four-way intersections.

RELIGIOUS ASSEMBLY: A use providing regular organized religious worship or related incidental activities, except primary or secondary schools and day care facilities.

RESEARCH LABORATORY: A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENTIAL AREA (GROSS): The total area of land and water within a residential development.

RESIDENTIAL AREA (NET): That area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas; provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas.

RESIDENTIAL DENSITY (GROSS): The total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

RESIDENTIAL DENSITY (NET): The total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre.

RESIDUE: The remainder of a lot after a subdivision has detached one or more lots, which residue shall be deemed, for purposes of this chapter, to be a new lot.

RESOURCE EXTRACTION: A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

RESTAURANT, FAST FOOD: An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or consumption on the premises, served in disposable containers at a counter or to drive-up or drive-thru customers in motor vehicles.

RESTAURANT, GENERAL: An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.

RESTAURANT, SMALL: An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and typically characterized by table service to customers.

RETAIL STORE, ADULT: An establishment that: offers for sale or rent items from any of the following categories: (a) adult media, (b) sexually oriented goods, or (c) goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes more than 15 percent of its stock in trade or occupies more than 15 percent of its gross public floor area; and where there is no on-site consumption of the goods, media, or performances for sale or rent.

RETAIL STORE, GENERAL: A retail sales establishment offering the sale or rental of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

RETAIL STORE, LARGE-SCALE: A retail sales establishment of more than 30,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use.

RETAIL STORE, NEIGHBORHOOD CONVENIENCE: A retail sales establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as, but not limited to, prepackaged food and beverages, limited household supplies and hardware, and limited food preparation and service. Such uses that include fuel pumps or the selling of fuel for motor vehicles shall be considered gas stations.

RETAIL STORE, SPECIALTY: A retail sales establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores.

RIGHT-OF-WAY: A strip or other portion of a parcel of land conveyed to a person, a partnership, a property owners' association, a corporation, or a government agency for the purpose of constructing and maintaining a road or utility facility, or similar use.

RIPARIAN PROTECTION AREA: A vegetated zone adjacent to an intermittent or perennial stream where development is restricted or controlled to minimize the effects of development on local water quality. Indigenous vegetation, including existing ground cover, is preserved to the maximum extent possible.

SALVAGE AND SCRAP YARD: Facilities engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in the original forms. Typical uses include, but are not limited to, paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

SANITARY LANDFILL: A place for the disposal of solid wastes approved in accordance with the regulations of the Department of Environmental Quality (DEQ).

SAWMILL, PERMANENT: A permanent facility where logs or lumber are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products.

SAWMILL, TEMPORARY: A portable sawmill located on private property for not more than 60 days unless used for the processing of timber cut only from that property or the property immediately contiguous thereto.

SELF-STORAGE FACILITY: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.

SHELTERED CARE FACILITY: A facility providing temporary sheltering for the homeless or for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

SHOOTING, PRIVATE RECREATIONAL: The use of land for target shooting and other recreational activities, other than hunting, involving the use of firearms or other projectiles by the owner or occupant of a parcel and their guests, not in return for compensation. Associated facilities shall be subject to approval by the zoning administrator in accordance with safety guidelines issued by the National Rifle Association (NRA) or other recognized authority.

SHOOTING RANGE, INDOOR: The use of a structure for firearms or other projectiles for the purpose of target practice or competitions, and in return for compensation.

SHOOTING RANGE, OUTDOOR: The use of land for shooting clubs and other facilities for the discharge of firearms or other projectiles for the purposes of target practice, skeet and trap shooting, mock war games, or formal competitions, or in return for compensation.

SHRUB: A low woody plant, with multiple shoots or stems from the base, which attains a mature height of less than fifteen (15) feet.

SIGN: Any object, device, display, or structure that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, projected images, or any combination thereof.

SIGN, AUCTION: A sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed 20 square feet in area and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty-eight (48) hours of its conclusion.

SIGN, AWNING: A sign that is painted or otherwise applied on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

SIGN, BANNER: A temporary sign, not exceeding 32 square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.

SIGN, BUSINESS: A sign which directs attention to a product, commodity, or service available on the premises including professional offices or institutional use.

SIGN, CANOPY: A type of wall sign that is attached to the fascia of a canopy.

SIGN, CONSTRUCTION: A temporary sign that identifies an architect, engineer, contractor, subcontractor, or material supplier who participates in construction on the property on which the sign is located. Such signs shall not exceed 32 square feet in area and eight (8) feet in height, and may be erected once the land disturbance permit has been issued for the property and must be removed upon issuance of a final certificate of occupancy.

SIGN, DIRECTIONAL: A sign, not to exceed four (4) square feet, providing on-premise directions for pedestrian and vehicular traffic including, but not limited to, entrance/exit signs, parking areas, loading zones, and circulation direction.

SIGN, DIRECTORY: A sign that lists the names, uses, or locations of the businesses or activities conducted within a building or group of buildings of a development.

SIGN, ELECTRONIC MESSAGE: A monument sign or portion thereof in which the copy is composed of a series of lights that may be changed through electronic means. The total area of the electronic message display area for such signs shall not exceed 30% of the total area of the sign area permitted for that site.

SIGN, ESTATE: An on-premise sign that identifies the name, occupant, and/or street address of a private residence, property, or farm. Such signs shall not exceed nine (9) square feet.

SIGN FACE: The area or display surface used for the message.

SIGN, FLASHING: An illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color. Electronic message signs that meet the requirements this Article and Sec. 22-15 shall not be considered flashing signs.

SIGN, FREESTANDING: A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

SIGN, HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation on the premises.

SIGN, ILLUMINATED: A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

SIGN, INFLATABLE: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

SIGN, MONUMENT: A sign affixed to, and made an integral part of, a structure built on grade that does not involve the use of poles as its major support.

SIGN, MOVING: A sign, any part of which moves by means of an electrical, mechanical, or other device, or that is set in motion by wind.

SIGN, NONCONFORMING: A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

SIGN, OFF-PREMISE: A sign that directs attention to a business, product, service or establishment, conducted, sold or offered at a location other than the premises on which the sign is erected.

SIGN, ON-PREMISE: Any sign identifying or advertising a business, person, property, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

SIGN, PENNANT: A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line, such as streamers.

SIGN, POLITICAL: A sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and /or conduct of government. (Ord. 10-18-00)

SIGN, PORTABLE: A sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location including, but not limited to, signs with attached wheels, signs mounted upon or applied to a trailer, or signs mounted on or applied to a vehicle that is parked and visible from the public right-of-way.

SIGN, PROJECTING: A sign, attached to and supported by a building or wall, that projects out perpendicularly from that wall more than twelve (12) inches but not more than four (4) feet.

SIGN, PUBLIC: A sign that is erected and maintained by a federal, state, or local government agency.

SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises on which the sign is located. Such signs shall not exceed nine (9) square feet.

SIGN, ROOF: A sign that is mounted on the roof of a building or which extends above the top edge of the wall of a flat-roofed building, above the eave line of a building with a hip, gambrel, or gable roof, or the deck line of a building with a mansard roof.

SIGN STRUCTURE: The supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

SIGN, SUBDIVISION: A monument sign erected at the entrance of a residential, commercial, or industrial development that identifies the development.

SIGN, TEMPORARY: A sign for the advertising of a special event, product, group, or seasonal activity and not intended or designed for permanent display. Such signs shall not exceed 12 square feet and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.

SIGN, TEMPORARY DIRECTIONAL: A sign directing individuals to the location of a special event or gathering. Such signs shall not exceed twelve (12) square feet and shall not be posted more than seven (7) days prior to the event and must be removed within seven (7) days after the event.

SIGN, TEMPORARY SUBDIVISION ADVERTISING: A sign erected on a parcel or at the entrance to a residential, commercial, or industrial subdivision that identifies the name of the development and advertises for sale lots within the development. Such signs shall be permitted for six-month increments, with a letter requesting renewal from the applicant for additional six-

month increments and to be removed upon issuance of a permit for the placement of a permanent subdivision sign.

SIGN, WALL: A sign mounted flat against, or painted on, the exterior wall of a building or structure and not projecting more than twelve (12) inches from the surface of the building, unless on the mansard portion of a roof.

SIGN, WARNING: A sign, not exceeding four (4) square feet, located on a property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

SIGN, WINDOW: A permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign. Such signs shall not exceed 25% of the total area of the window or door on which it is located.

SKETCH PLAN: An informal conceptual map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion.

SLAUGHTERHOUSE: A commercial facility where livestock is slaughtered, processed, and prepared for distribution to butcher shops or retail establishments such as grocery stores.

SMALL HOME INDUSTRY: Small commercial, professional, or light industrial uses which do not in any way detract from adjacent agricultural or residential uses and while clearly excluding large scale industrial and commercial uses and that are located within the same parcel as the residence of the owner and within 500 feet of said residence.

SOLID WASTE MATERIAL RECOVERY FACILITY: A solid waste management facility which may receive municipal solid waste and recyclables from off premises for processing and consolidation and shipment out of the county for further processing or disposal.

SOLID WASTE COLLECTION FACILITY: Any storage or collection facility which is operated as a relay point for recyclables or municipal solid waste which ultimately is to be shipped for further processing or disposal. No processing of such items occurs at such facility.

SOURCE SHIELDED ILLUMINATION: A source of illumination shielded to prevent direct viewing of the light source, including bulbs, lenses or any portions thereof. The only light that can be seen is that reflected from the sign.

SPECIAL USE PERMIT: A permit issued by the governing body for a use which is only permitted upon such permit; a special exception. See Article 17 of this chapter.

SPECIFIED ANATOMICAL AREAS:

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY: That portion of building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wallface more than three (3) feet above the floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use.

STREAM, INTERMITTENT: A natural stream or portion of a natural stream containing flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Such streams are defined as a dotted blue line on the 1:24,000 USGS topographic maps.

STREAM, NATURAL: A non-tidal waterway that is part of the natural topography, which typically maintains a continuous, seasonal, or intermittent flow during the year, and which is characterized as being irregular in cross-section with a meandering course. A constructed channel such as a drainage ditch or swale is not a natural stream.

STREAM, PERENNIAL: A natural stream or portion of a natural stream containing flowing water year-round during a year of normal precipitation. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. Such streams are defined as a solid blue line on the 1:24,000 USGS topographic maps.

STREET (ROAD): Any vehicular way that: (1) is an existing state roadway; (2) is shown upon a plat approved pursuant to the subdivision ordinance that is duly filed and recorded.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings and buildings, etc.

STRUCTURE, MAIN: A building in which is conducted the principal use of the lot.

STUDIO, FINE ARTS: A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer; or used as a place to exhibit and offer for sale works of the visual arts (other than film).

SUBDIVIDER: Any individual, partnership, corporation or other entity or association thereof owning or having an interest in land, or representing the owners of any land and proposing to subdivide such land.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the resubdivision of land.

SUBDIVISION AGENT: The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter.

SUBDIVISION, FAMILY: A single division of a lot or parcel for the purpose of a gift or sale to any natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

SUBDIVISION, MAJOR: The division of a parcel of land into six or more lots, and not a family subdivision. A subdivision shall be deemed to be a major subdivision if the parcel from which such subdivision is divided was, within five years next preceding the application, divided into an aggregate of five or more lots or divided in such a way as to create a new public or central water or sewer system or one or more public streets.

SUBDIVISION, MINOR: Any division of a parcel of land creating fewer than six lots, and not a family subdivision.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TAXIDERMIST: Establishments for conducting the business of preparing, stuffing, and mounting the skins of animals to make them appear life-like.

TELECOMMUNICATIONS FACILITY: A tower, pole or similar structure, 125 feet or greater in height, that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. Includes antennas, microwave dishes, horns, and all equipment and structures necessary to support said equipment.

TRAFFIC IMPACT STUDY: A report analyzing anticipated roadway conditions.

TRAILER: See *Manufactured home*.

TRANSPORTATION TERMINAL: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

TRAVEL TRAILER: A vehicular, portable structure built on chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "travel trailer" thereon; and when factory equipped for the road. See *Recreational vehicle*.

TREE CANOPY: All areas of coverage by plant material exceeding ten (10) feet in height at a maturity of ten (10) years after planting, in accordance with Article 22 of this chapter.

TREE, EVERGREEN: A tree with foliage year-round, planted primarily for screening or ornamental purposes, which attains a mature height of at least fifteen (15) feet.

TREE, LARGE SHADE: A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of at least forty (40) feet.

TREE, MATURE: An existing tree with a diameter at breast height (DBH) of twelve inches (12") or greater, which is in healthy condition as determined by a certified landscape architect or arborist.

TREE, MEDIUM SHADE: A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of twenty-five (25) to forty (40) feet.

TREE, ORNAMENTAL: A tree, either single-stemmed or multi-stemmed, noted for its flowers, leaves, bark, form, shape, and/or other aesthetic characteristics, which attains a mature height of ten (10) to thirty (30) feet.

TREE, STREET: A shade tree planted along an existing or proposed public street, either within the right-of-way itself or within a landscape strip continuous to such right of way.

TRUCK TERMINAL: A facility for the receipt, transfer, short-term storage, and dispatching of good transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

UNDERGROUND UTILITIES: The placement of electric, telephone, cable, and other utilities customarily carried on poles in underground vaults or trenches.

UPHOLSTERY SHOP: A business that repairs and replaces upholstery to household and office furnishings.

UTILITY: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

UTILITY, MAJOR: Facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including, but not limited to, transmission lines, production plants, electrical substations, pumping stations, treatment facilities, and communication facilities.

UTILITY, MINOR: Facilities for the distribution and collection of public, private and central utilities including poles, lines, transformers, pipes, meters, and communication distribution lines.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

VEHICLE TRIP: A motor vehicle moving from an origin point to a destination point.

VENDING CART: The vending of food, beverages, or merchandise from a movable stand or trailer that is located as an accessory use on the same lot as a permitted use.

VETERINARY OFFICE: An establishment for the care and treatment of animals and where the boarding of said animals is prohibited except when necessary in the medical treatment of the animal.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH, ADULT: An enclosure designed for occupancy by no more than five persons, used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media, or live performances or lingerie modeling, for observation by patrons therein. See *Entertainment establishment, adult* use.

VILLAGE: A small, compact center of predominantly residential character but with a core of mixed-use commercial, residential, and community services whether or not incorporated as a municipality.

WAREHOUSE, WHOLESALE: Facilities for the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including moving and storage facilities, warehouses, storage activities, and distribution centers.

WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WOODSTORAGE, TEMPORARY: A lot utilized for the temporary (30, 60, 90 days) storage/loading of forestry products transported from some other location.

YARD: An open space on a lot other than a court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

FRONT: An open space on the same lot as a building between the front line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the front line and the rear line of the lot and extending the full width of the lot.

REAR: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the rear line of the lot, and extending the full width of the lot.

SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the side line of the lot, and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR: The official charged with the enforcement of the zoning ordinance. The administrator may be any appointed or elected official who is by formal resolution designated to the position by the governing body. The administrator may serve with or without compensation as determined by the governing body.

ZONING DISTRICT: A division of territory within Fluvanna County for the purposes of regulation of its use under the provisions of this chapter.

ZONING PERMIT: Any permit issued by the zoning administrator in accordance with this ordinance.

(Ord. 6-19-96; Ord. 10-18-00; Ord. 9-17-08; Ord. 10-15-08; Ord. 10-21-09; Ord. 6-16-10; Ord. 11-3-10; Ord. 8-1-12)

LANDSCAPING BUSINESSES IN VIRGINIA
Comparison of Definitions and Permitted Districts

Albemarle County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance (Chapter 18).	
Uses Described as Permitted Uses within Zoning Districts	
Retail Nurseries and Greenhouses	By-Right: C-1 (Commercial) HC (Highway Commercial)

Buckingham County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Greenhouses, Nurseries, and Garden Shops: Private	By-Right: A-C (Agricultural—Comprehensive)
Greenhouses, Nurseries, and Garden Shops: Commercial	Special Use Permit: RSA-1 (Rural Small Farm)
Nurseries and Greenhouses: Private and Commercial	By-Right: RSA-1 (Rural Small Farm)
Greenhouses	By-Right: B-1 (Business), M-1 (Industrial—Light), M-2 (Industrial—Heavy)

Culpeper County

Definitions within Zoning Ordinance	
<p><i>Garden and Landscape Center:</i> A use or structure for the storage, maintenance or retail sale of horticultural products and supplies for garden and landscape, including landscape contracting.</p> <p><i>Plant Nursery:</i> Structures for the raising or cultivation of agricultural and horticultural products, but specifically excluding retail sales on premises.</p>	
Uses Described as Permitted Uses within Zoning Districts	
Plant Nurseries	By-Right: A-1 (Agricultural), RA (Rural Areas)
Garden and Landscape Centers	By-Right: CS (Commercial Services), LI (Industrial—Light), HI (Industrial—Heavy), PBD (Planned Business Development)

Cumberland County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Retail Farm and Garden Centers	By-Right: B-2 (Business Limited), B-3 (Business Limited)

Gloucester County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
No related uses described with the permitted uses of each zoning district.	

Greene County

Definitions within Zoning Ordinance	
<p><i>Garden Center:</i> A retail business that offers for sale horticultural products such as trees, shrubs, flowers, bushes, Christmas trees, etc., which may or may not be cultivated on site, as well as supplemental materials such as mulch, topsoil, yard ornaments and the like to the general public intended for individual homes.</p> <p><i>Nurseries:</i> A retail business that offers for sale horticultural products such as trees, shrubs, flowers, bushes, Christmas trees, etc. and does not offer supplemental items such as fertilizer, yard ornaments, etc., to the general public.</p>	
Uses Described as Permitted Uses within Zoning Districts	
Garden Centers	By-Right: B-2 (Business, General), B-3 (Business, Highway and High Intensity) Special Use Permit: A-1 (Agricultural)
Nurseries	By-Right: B-2 (Business, General), B-3 (Business, Highway and High-Intensity), M-1 (Industrial, Limited), M-2 (Industrial, General)

Goochland County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Garden Shops, Greenhouses, and Nurseries	Conditional Use Permit: A-1 (Agricultural, General), A-2 (Agricultural, Limited)

Hanover County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Greenhouse (Commercial)	By-Right: A-1 (Agricultural), AR-6 (Agricultural Residential)
Greenhouses (Commercial, Wholesale, or Retail)	By-Right: B-3 (General Business), M-2 (Light Industrial), M-3 (Heavy Industrial) Conditional Use: M-1 (Limited Industrial)
Lawn and Garden Equipment and Supply Stores	By-Right: B-1 (Neighborhood Business), B-2 (Community Business), M-2 (Light Industrial), M-3 (Heavy Industrial)
Nurseries for Growing Plants, Trees, and Shrubs	By-Right: B-1 (Neighborhood Business), B-2 (Community Business), M-1 (Limited Industrial), M-2 (Light Industrial), M-3 (Heavy Industrial)
Commercial Landscaping Operation	By-Right: M-2 (Light Industrial), M-3 (Heavy Industrial)
Commercial Landscaping Operation (When done in conjunction with a nursery on the premises, provided that no machinery or equipment is used for the business is stored within one-hundred (100) feet of the property lines, unless the equipment is screened.)	Conditional Use Permit: B-2 (Community Business)

James City County

Definitions within Zoning Ordinance	
<p><i>Plant and Garden Supply Sales:</i> Stores which shall sell a combination of materials used in the process of creating, cultivating, decorating, and maintaining gardens and landscaped areas. The primary items sold may include plants, shrubs, and trees grown on- or off-site; seeds; produce; hand tools; fertilizer; plant containers and hangers; natural materials such as sand, soil, rock, wood chips, and mulch; and decorative features including sculptures, fountains, ponds, ornaments, and cast or formed cement and cement pavers. Patio and outdoor furniture, including grills, gazebos, trellises, and outdoor fireplaces may also be included as secondary and incidental items sold at a plant and garden supply store. Excluded from this definition are mechanical lawn and garden equipment, pools and pool equipment, lumber and building supplies.</p>	
Uses Described as Permitted Uses within Zoning Districts	
Commercial Greenhouses	By-Right: A-1 (General Agriculture) Special Use: R-8 (Rural Residential)
Nurseries	By-Right: R-8 (Rural Residential), M-2 (General Industrial)
Greenhouses and Nurseries	By-Right: EO (Economic Opportunity), MU (Mixed Use)
Retail Stores: Garden Supply	By-Right: LB (Limited Business), B-1 (General Business), M-1 (Limited Business/Industrial), M-2 (General Industrial), EO (Economic Opportunity), MU (Mixed Use)

Louisa County

Definitions within Zoning Ordinance	
<i>Greenhouse:</i> A building with transparent walls and roof, for the cultivation and exhibition of plants under controlled conditions.	
<i>Greenhouse, Commercial:</i> A greenhouse operation in which plants are offered for sale to the public, either at wholesale or at retail.	
<i>Nursery:</i> A place where plants are grown commercially, either for sale direct to the public or to other retailers.	
Uses Described as Permitted Uses within Zoning Districts	
Garden Center	By-Right: C-1 (Light Commercial), C-2 (General Commercial) Conditional Use Permit: RD (Resort Development)

New Kent County

Definitions within Zoning Ordinance	
<i>Greenhouse:</i> A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.	
<i>Plant Nursery, Garden Center:</i> A facility for the growth, display, and/or sale of plants, shrubs, trees, and accessory materials and equipment used in indoor and outdoor planting and landscaping.	
Uses Described as Permitted Uses within Zoning Districts	
Plant Nursery, Garden Center ≤ 15,000 square feet	By-Right: Business, Economic Opportunity
Plant Nursery, Garden Center > 15,000 square feet	By-Right: Economic Opportunity, Industrial Conditional Use Permit: Business